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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF

81
KANSAS TERRITORY,

FOR THE YEAR

1861:

COMMENCED AT THE CITY OF LECOMPTON JAN'Y 7TH,
AND ADJOURNED TO AND CONCLUDED AT THE

CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

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HOUSE JOURNAL.

LECOMPTON, K. T.,
Monday, Jan. 7, 1861, 12 M. }

This being the day designated by law for the meeting of the Legislative Assembly, it being the seventh session of the Territorial Legislature,

The House was called to order by Mr. M. W. Delahay, of Leavenworth County, Chief Clerk of the last House.

The following gentlemen answered to their names as they were called :

Messrs. Bailey, Bowker, Buckmaster, Burnett, Brumbaugh, Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Gilpatrick, Hanway, Hawkins, McCook, Perry, Reynolds, Roberts, Scott, Snoddy, Thomas, Wilson, Winchell and Wood.

On motion of Mr. Wilson,

Mr. Roberts was elected Speaker, *pro tem*, and

On motion of Mr. Deitzler,

Mr. Dunton was elected Clerk, *pro tem*.

The Secretary of the Territory administered the oath of office to all of said members present.

On motion of Mr. Deitzler,

The House then adjourned until 2 1-2 o'clock, P. M

AFTERNOON SESSION.

TWO AND A HALF O'CLOCK, P. M.

The House convened.

Speaker in the Chair.

Roll called.

C. B. Lines, B. M. Williams, and — Markham, came forward and were sworn by the Speaker.

On motion of Mr. Guthrie, the House proceeded to the election of Speaker.

Mr. Gilpatrick nominated Mr. Scott.

Mr. Fairchild nominated Mr. Perry.

Mr. Scott received twenty-one votes.

Mr. Perry received seven votes.

C. B. Lines received one vote.

Mr. Scott having received a majority of all the votes cast, was duly elected Speaker.

On motion of Mr. Gilpatrick, the House proceeded to the election of Chief Clerk.

Mr. Roberts nominated Mr. Alfred Gray.

Mr. Perry nominated Mr. S. B. Myrick.

Mr. Gray received twenty-two votes.

Mr. Myrick received seven votes.

Mr. Gray was declared duly elected Chief Clerk.

Mr. Graves came forward and was sworn in by the Speaker.

The House then proceeded to the election of Assistant Clerk.

Mr. George Still received twenty-one votes.

Mr. Darling received eight votes.

Mr. Still having received a majority of all the votes cast, was duly elected.

On motion of Mr. Burris, the House proceeded to the election of Sergeant-at-Arms.

Whole number of votes cast, twenty-nine.

Franklin D. Sawin received twenty-two votes, and

James J. Bucker received seven votes.

Mr. Sawin having received a majority of all the votes cast, was duly elected.

On motion of Mr. Buckmaster, the House proceeded to the election of Doorkeeper.

Whole number of votes cast, twenty-eight.

H. Gibbs received twenty-one votes, and

Jeremiah Schwartz received seven votes.

H. Gibbs having received a majority of all the votes cast, was duly elected.

Mr. Wood offered the following resolution :

Resolved, That a Committee of three be appointed to inform the Council that the House of Representatives is now organized, and ready to proceed to business.

Adopted.

Messrs. Deitzler, Reynolds and Dunton were appointed as such Committee.

Mr. Deitzler offered the following resolution :

Resolved, That a Committee of three, on the part of the House of Representatives, to act in conjunction with a similar

Committee from the Council, be appointed to inform his Excellency, G. M. Beebe, Acting Governor of the Territory, that the two Houses are now organized and are ready to receive any communication he may have to make to the Legislative Assembly of the Territory of Kansas.

Adopted.

Messrs. Roberts, Fairchild and Lines were appointed as such Committee.

Mr. Deitzler moved to reconsider the vote to adopt said resolution.

Carried.

Mr. Winchell offered the following amendment:

After the word "organize," insert "and that John W. Scott has been elected Speaker, and Alfred Gray, Clerk."

Adopted.

Mr. Dunton offered the following substitute for the original resolution and proposed amendment:

Resolved, That the Clerk of the House inform the Council that the House is organized by electing John W. Scott, Speaker, and Alfred Gray, Clerk, and that the House is now ready to proceed to business.

Lost.

The amendment was then agreed to, and

The resolution as amended was adopted.

On motion of Mr. Perry, George W. Still, Assistant Clerk, Franklin Sawin, Sergeant-at-Arms; D. H. Gibbs, Doorkeeper, came forward and were respectively sworn in by Hon. Rush Elmore, Judge of the Second Judicial District of Kansas Territory.

Mr. Brumbaugh offered the following resolution:

Resolved, That the Rules for the Government of the Legislative Assembly at the last session be adopted for the Government of the House for this Session.

Mr. Winchell moved to substitute the following resolution:

Resolved, That a committee of three be appointed to prepare rules for the government of the House.

Adopted.

The Chair appointed as such Committee: Messrs. Winchell, Fairchild and Roberts.

On motion of Mr. Wood, the House proceeded by acclamation, to elect one Docket Clerk, one Journal Clerk, one Engrossing Clerk, one Enrolling Clerk, and two Messenger Boys.

Mr. Winchell moved to amend the motion by striking out the words "two Messenger Boys" and inserting "one Messenger Boy,"

Which amendment was adopted.

The motion as amended was adopted.

Mr. Burris nominated Edward S. Nash, for Docket Clerk, who was elected to fill said office.

Mr. Deitzler nominated Arthur Gunther as Journal Clerk, and

Mr. Perry nominated H. H. Beck.

Mr. Gunther having received 21 votes, and the same being a majority of all the votes cast, he was duly elected.

Mr. Dunton nominated John L. Wilson as Enrolling Clerk.

Mr. Perry nominated O. D. Prentice.

Mr. Wilson having received a majority of all the votes cast was duly declared elected.

The House then elected John L. Louter as Engrossing Clerk, and T. R. Prentiss as Messenger Boy.

E. S. Nash, Arthur Gunther, John L. Wilson, John L. Louter, and Charles T. R. Prentiss were duly sworn by the Hon. Rush Elmore, Judge of the Second Judicial District of the Territory of Kansas.

Mr. Brumbaugh offered a motion to adjourn, which motion was

Lost.

Mr. Wood offered the following resolution:

WHEREAS, The Legislature of Kansas Territory is required by law to meet at the Capitol of said Territory; and,

WHEREAS, There is, at said Capitol, such a deficiency of suitable rooms and other conveniences as to seriously interfere with the progress of legislative business; therefore,

Be it Resolved, by the Governor and Legislative Assembly of the Territory of Kansas, That, when we adjourn, it be to meet at Council Grove, in the County of Morris, the 10th day of January A. D. 1861, at 12 o'clock M.

Mr. McCook moved to amend the resolution by striking out "Council Grove" and inserting in the place thereof "Denver City."

Mr. Bailey moved to lay the resolution and amendment upon the table, which motion was

Adopted.

Mr. Wood then moved to take a recess until ten o'clock to-morrow.

Mr. Deitzler moved to amend the motion by inserting "six o'clock P. M." in the place of "ten o'clock to-morrow."

Both motions were withdrawn.

Mr. Wilson introduced and asked leave to have read, the following communication from the citizens of Leecompton.

[Communication not furnished by Clerk.—PRINTER.]

Mr. Dunton offered the following resolution:

WHEREAS, The Legislature of Kansas Territory is required to meet at the Capitol of said Territory; and,

WHEREAS, There is at said Capitol such a deficiency of suitable rooms, hotel accommodations and other conveniences as to seriously interfere with the progress of Legislative business, therefore,

THE HOUSE.

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Resolved, That a committee of three be appointed to confer with gentlemen from other places in the Territory, and ascertain where this Legislature can best be accommodated, the indemnities offered to the Territory against all the expenses of a removal, and report at as early an hour as practicable.

Message from the Council:

MR. SPEAKER:—The Council directs me to notify the House of Representatives that the Council has organized by the election of W. W. Updegraff, President; John James Ingalls, Secretary; Jacob Stotler, Assistant Secretary; J. Y. Hewit, Sergeant-at-Arms, and C. L. Caldwell, Doorkeeper, and are ready to proceed to business.

Also, that the Council concurs in the Resolution of the House relative to a Joint Committee to wait upon the Governor, and have appointed Messrs. Elder, Mathias and Thomas as members of the Committee on the part of the Council.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Brumbaugh, the resolution and communication read were laid upon the table.

Mr. Deitzler moved to adjourn until 7 o'clock, P. M.

Mr. Reynolds moved to amend by inserting "ten o'clock tomorrow,"

Which motion to amend was lost.

The original motion was adopted.

House adjourned until seven o'clock P. M.

EVENING SESSION.

SEVEN O'CLOCK.

House met pursuant to adjournment.

Roll called.

Quorum present.

Report of Committee to wait upon the Governor :

The Joint Committee, charged with the duty of informing his Excellency, the acting Governor, that both Houses of the Legislative Assembly were fully organized and ready to receive any communication he might see proper to make, would beg leave to report that they have discharged that duty, and that the Acting Governor has directed them to inform their respective Houses that he would communicate with them, in Joint Session, on Thursday next, the 10th inst., at 3 o'clock, P. M.

G. H. FAIRCHILD,
Chairman.

Mr. Deitzler offered the following preamble and Joint Resolution, and moved their adoption :

[This Resolution is not furnished to our Copying Clerk.—
PRINTER.]

Mr. Bailey moved to amend by striking out "Lawrence," in the Resolution, and inserting "Leavenworth."

Mr. Fairchild moved to amend the amendment by striking out "Leavenworth" and inserting "Atchison."

Mr. Fairchild withdrew his motion to amend.

Mr. Bailey's motion to amend was

Lost.

Mr. Fairchild moved to strike out "Lawrence" and insert "Atchison."

Motion lost.

Mr. Roberts moved that the Joint Resolution be read a third time and voted upon its passage.

Adopted.

Mr. Roberts moved to amend the resolution so as to read :

"That when we adjourn to-morrow, it be to meet on Wednesday, the 9th inst., at 10 o'clock A. M."

Mr. Bailey moved to amend by striking out the word to-morrow, which motion was

Adopted.

Mr. Fairchild moved to strike out the preamble to said resolution.

Message from the Council :

The Council direct me to notify the House that they have adopted the following preamble and concurrent resolution, and respectfully ask your concurrence therein :

WHEREAS, It is manifestly the intention of the Legislature to adjourn from Lecompton to some other place to hold the remainder of the session ; and, whereas, it is understood that several different towns have each proposed to indemnify the Territory against expense incidental to removal ; therefore,

Resolved, By the Council, (the House concurring therein,) That a committee of three, on the part of the Council, and five on the part of the House, be appointed to secure the necessary guaranty, and report to the two Houses at 9 o'clock to-morrow morning.

Committee on part of Council, Messrs. Thomas, Mathias and Price.

[JOHN J. INGALLS,
Secretary.

The question was then taken upon Mr. Fairchild's motion to strike out the preamble to Joint Resolution offered by Mr. Deitzler.

Roll called.

Yeas—22. Nays—7.

The following gentlemen voted in the affirmative :

Messrs. Bailey, Bowker, Burnett, Buckmaster, Brumbaugh, Burris, Cowles, Evans, Fairchild, Gilpatrick, Hanway, Hawkins, Lines, Markham, McCook, Perry, Reynolds, Roberts, Williams, Wilson, Winchell and Wood.

Those voting in the negative were

Messrs. Deitzler, Dunton, Guthrie, Green, Graves, Snoddy and Thoman.

Carried.

Mr. Brumbaugh offered the following resolution:

Resolved, That the Speaker be authorized to administer the oath of office to members of the House who have not been sworn.

Carried.

Mr. George H. Lillie appeared and was duly sworn in.

A vote was then taken upon the final passage of the Joint Resolution offered by Mr. Deitzler.

Roll called.

Yeas—23. Nays—7.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Buckmaster, Burris, Cowles, Deitzler, Dunton, Fairchild, Guthrie, Graves, Gilpatrick, Hanway, Hawkins, Lillie, Lines, Markham, McCook, Roberts, Snoddy, Thoman, Williams and Winchell.

Those voting in the negative were

Messrs. Brumbaugh, Evans, Greer, Perry, Reynolds, Wilson and Wood.

And so the joint resolution passed.

Mr. Winchell moved to take up the Concurrent Resolution reported by the Council.

Mr. Gilpatrick moved to lay the motion upon the table.

Lost.

The resolution was ordered to its first reading.

Mr. Deitzler moved to amend the resolution so that the com-

mittee, provided for thereby, take and approve of such bonds as might be offered, and report as soon as practicable.

Adopted.

Mr. Wood moved that the clerk communicate the joint resolution and bond to the Council.

Carried.

Mr. Guthrie offered the following resolution :

Resolved, That the Secretary of the Territory be requested to furnish, for the use of this House, one volume of each of the journals, public and private acts of 1860, and the public and private acts of 1859, for each member of the House.

Adopted.

Mr. Wood introduced House Bill No. 1, entitled "An Act changing the eastern boundary of Morris county."

Whereupon it was moved that said Bill be referred to a Special Committee of three.

Lost.

Mr. Winchell offered the following resolution :

Resolved, That a committee of three be appointed by the Chair to prepare a memorial to Congress, in favor of the admission of the State of Kansas into the Union.

Mr. Wood moved that it be indefinitely postponed.

Which motion was withdrawn.

Mr. Wood then offered the following substitute :

Resolved, That the House of Representatives, (the Council concurring therein,) do urgently urge Congress to immediately admit Kansas into the Union as a sovereign State, and that the President of the Council, and the Speaker of the House, be directed to communicate this resolution forthwith to the Senate of the United States.

Mr. Fairchild moved to lay the substitute on the table.

Which was withdrawn.

Mr. Winchell moved that the resolution be deferred, for special consideration, until next Thursday afternoon.

Mr. Guthrie moved to amend by postponing the resolution until next Monday morning at 10 o'clock, A. M.

Carried as amended.

Mr. Deitzler offered the following resolution:

Resolved, That a committee of three be appointed to adopt measures to ascertain the indebtedness of the Territory of Kansas, and prepare, as soon as practicable, a memorial to the Congress of the United States for an appropriation for the payment of said indebtedness.

On motion of Mr. Deitzler, the resolution was laid upon the table.

Mr. Winchell offered the following resolution:

Resolved, That the Speaker be authorized to appoint the following Standing Committees for this House, each Committee to consist of five members:

On Judiciary.
Ways and Means.
Militia.
Federal Relations.
Corporations and Banking.
Elections.
Enrolled Bills.
Education.
Public Instruction.
County Lines and County Seats.
Internal Improvements.
Vice and Immorality.
Public Roads.
Printing.
Phraseology.
Agriculture and Manufactures.
Claims.
Apportionment.
Accounts.
Engrossed Bills.
County Seats.

Adopted.

On motion of Mr. Burris,

The House adjourned until nine o'clock to-morrow morning.

ALFRED GRAY,

Chief Clerk.

TUESDAY, January 8th, 1861, }
NINE O'CLOCK, A. M. }

The House met pursuant to adjournment.

The roll called, and a

Quorum present.

Journal of yesterday read, corrected and approved.

Messrs. N. Humber, from Leavenworth county, was sworn as member, and John L. Wilson as Enrolling Clerk.

Mr. Roberts offered the following resolution :

Resolved, That the Enrolling Clerk of this House be, and he is hereby, authorized to appoint such assistants as he may need from time to time, and report their names to the House for confirmation.

Adopted.

Mr. Deitzler offered the following resolution :

Resolved, That C. B. Lines be and he is hereby declared Speaker, *pro tem.*, of the House of Representatives.

Adopted.

Mr. Speaker appointed Messrs. Dunton, Guthrie, Roberts, Perry and Markham, Committee on Contested Elections.

Mr. Lines moved that the Committee have all papers on contested cases in possession of the House.

Mr. Guthrie offered the following resolution :

Resolved, By the House, That the Secretary of the Territory be requested to furnish this House with sufficient stationery for the use of the officers and members thereof.

Mr. Wood moved to amend so as to include \$5.00 worth of postage stamps.

Amendment lost.

Mr. Roberts moved to amend so as to instruct the Sergeant-at-Arms to procure from the Secretary sufficient postage stamps to pay postage on matter mailed by him for the House.

Mr. Wood moved to lay the amendment on the table.

Lost.

Amendment of Mr. Roberts adopted.

The resolution passed as amended.

Mr. Guthrie offered the following resolution :

Resolved, By the House, the Council concurring therein, That no Bill for a public act shall be introduced except during the first thirty days of the session of the Legislature.

Mr. Deitzler moved that the resolution be referred to the Committee on Rules.

Carried.

Mr. Deitzler moved that the Committee on Rules be authorized to confer with a similar committee of the Council, and report joint rules for both Houses.

Adopted.

Mr. Roberts moved that the order of business of the last House be made the order of this until otherwise ordered.

Adopted.

House Bill No 1, an Act entitled "An Act changing the eastern boundary of Morris county," was

Read the second time by its title.

Mr. Winchell offered the following resolution:

Resolved, That the per diem compensation of the officers and clerks of this House shall be the same as at the last Session, and that no extra compensation shall be allowed.

Mr. Wood moved to refer the same to a committee of three, with instructions to report to-morrow morning.

Carried.

Committee Messrs. Winchell, Wood and Reynolds.

Mr. Wood introduced a petition from Charles Columbia and seventy others, asking a change of the eastern boundary of Morris county.

Mr. Wood moved that House Bill No. 1, and petition, be referred to a Select Committee of three.

Mr. Burris moved to amend by referring the same to the Standing Committee on County Lines, hereafter to be appointed.

Upon which the yeas and nays were demanded, with the following result:

Yeas—21. Nays—9.

Those voting in the affirmative were

Messrs. Bowker, Buckmaster, Burris, Deitzler, Evans, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Lillie, Lines, Markham, Perry, Roberts, Snoddy, Thoman, Williams, Winchell.

Those voting in the negative were

Messrs. Bailey, Burnett, Brumbaugh, Dunton, Fairchild, McCook, Reynolds, Wilson, Wood.

Carried.

Mr. Winchell moved to reconsider the last vote.

Carried.

Mr. Wood received unanimous consent to withdraw House Bill No. 1, and accompanying petitions.

Mr. Wood asked and was granted leave of absence for thirty days.

Mr. Buckmaster moved to reconsider the vote by which leave of absence was granted to Mr. Wood.

Withdrawn.

Mr. Lines offered the following resolution :

Resolved, That all smoking within the halls of this House, during the hours of session, and when in Committee of the Whole, be prohibited.

Mr. Graves moved to amend, so as to prohibit chewing tobacco, also.

Mr. Perry moved to amend so as to prohibit snuffing.

The amendment to the amendment withdrawn.

Amendment lost.

The resolution adopted.

Mr. Winchell offered the following resolution :

Resolved, That Reporters for the Press be admitted to the floor of this House, and provided with seats and desks by the Sergeant-at-Arms.

Adopted.

Message from the Council :

MR. SPEAKER.—I am instructed to notify your Honorable Body that the Council have passed the Joint Resolution relative to the adjournment to Lawrence, without amendment.

JOHN J. INGALLS,
Secretary of the Council.

On motion of Mr. Gilpatrick,

A recess for one-half hour was taken.

House called to order by the Speaker.

Message from the Council:

MR. SPEAKER.—I am directed to notify the House that the Council have adopted the accompanying resolution, and respectfully solicit your concurrence.

JOHN J. INGALLS,
Secretary of the Council.

Resolved, By the Council, (the House concurring therein,) That the Secretary of the Territory is hereby authorized to contract with parties in Lawrence for suitable accommodations for the Legislature, and shall require and receive a good and sufficient Bond, to be approved by him, indemnifying the Territory against all expenses arising in consequence of said removal; which Bond he shall file in the office of the Treasurer of the Territory; and the obligors therein shall be liable for non-performance, in whole or in part, and that suit may be maintained to enforce the contractors in said Bond expressed, in any Court in this Territory having common law jurisdiction.

Mr. Deitzler moved that the House concur in the Concurrent Resolution of the Council.

Carried.

Mr. Lines moved a reconsideration of the vote by which the Sergeant-at-Arms was instructed to procure postage stamps.

Carried.

Message from the Governor:

EXECUTIVE OFFICE, K. T., }
January 8th, 1861. }

To the Speaker and House of Representatives:

I have this day approved House Joint Resolution, "To adjourn the present session of the Legislative Assembly to the city of Lawrence."

G. M. BEEBE,
Acting Governor.

Mr. Lines moved to strike out the amendment to the resolution, and substitute the following:

Resolved, That the Secretary of the Territory be respectfully

requested to furnish the Sergeant-at-Arms with postage stamps for the use of the members, according to their necessities, during the session.

Lost.

Original resolution as amended, adopted.

Mr. B. F. Simpson was sworn in as a member.

Message from the Council :

MR. SPEAKER.—I am directed to notify the House that the Council is now ready to adjourn to meet at Lawrence in accordance with the provision of the Joint Resolution.

J. J. INGALLS,
Secretary.

Mr. Deitzler offered the following resolution :

Resolved, That the Chief Clerk be instructed to inform the Council that the Acting Governor has approved, and returned to the House, Joint Resolution adjourning the Legislative Assembly from Lecompton to Lawrence.

Adopted.

Mr. Burris moved that the House do now adjourn.

Carried.

ALFRED GRAY,
Chief Clerk.

WEDNESDAY, Jan. 9, 1861, }
THREE o'clock, P. M. }

House called to order.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Greer, Graves, Humber, Hawkins, Kean, Lakin, Lillie, Lines, Perry, Reynolds and Starns.

On motion of Mr. Roberts, the reading of the Journal was dispensed with.

Mr. G. W. Miller, of Linn and Lykins counties ; C. C. Coffinbury, of Nemaha county, and Martin Anderson, of Jackson county, were respectively sworn in as members.

Mr. Roberts moved that the House do now adjourn until tomorrow at half-past two o'clock, P. M.

Carried.

ALFRED GRAY,
Chief Clerk.

THURSDAY, Jan. 10th, 1861, }
Two o'clock P. M. }

House met pursuant to adjournment,

Speaker present.

Roll called.

Absentees—Messrs. Deitzler, Dunton, Fairchild, Guthrie, Graves, Kean, Lakin, Markham, Miller, Roberts and Wood.

Journal read, corrected, and

Approved.

The Speaker announced the following Standing Committees :

Judiciary—Messrs. Burris, Guthrie, Greer, Cowles and Perry.

Ways and Means—Messrs. Lines, Roberts, Humber, Graves and Miller.

Militia—Messrs. Gilpatrick, Burnett, Hawkins, Buckmaster and Reynolds.

Federal Relations—Messrs. Roberts, Fairchild, Lines, Burnett and Lakin.

Corporations and Banking—Messrs. Bailey, Roberts, Fairchild, Gilpatrick and Deitzler.

Elections—Messrs. Williams, Coffinbury, Wood, Miller and Starns.

Enrolled Bills—Messrs. Snoddy, Guthrie, Dunton, Cowles and Hanway.

Education—Messrs. Winchell, Simpson, Bailey, Reynolds and Kean.

Public Institutions—Messrs. Burnett, Markham, Burris, Brumbaugh and Guthrie.

County Lines and County Seats—Messrs. Deitzler, Greer, Simpson, Graves and Buckmaster.

Internal Improvements—Messrs. Lillie, Evans, Wilson, Anderson and Thoman.

Vice and Immorality—Messrs. Brumbaugh, Hawkins, Kean, Snoddy and Bowker.

Public Roads—Messrs. Buckmaster, Lillie, Miller, Coffinbury and Burnett.

Printing—Messrs. Anderson, Snoddy, Winchell, Starns and McCook.

Phraseology—Messrs. Simpson, Winchell, Perry, Williams and Cowles.

Agriculture—Messrs. Graves, Gilpatrick, Bowker, McCook and Reynolds.

Claims—Messrs. Hanway, Dunton, Lakin, Greer and Markham.

Apportionment—Messrs. Greer, Bailey, Lillie, Hanway and Fairchild.

Accounts—Messrs. Guthrie, Deitzler, Simpson, Humber and Reynolds.

Engrossed Bills—Messrs. Bowker, Wilson, Dunton, Kean and Brumbaugh.

Contested Elections—Messrs. Dunton, Guthrie, Roberts, Perry and Markham.

Report of Superintendent of Public Instruction was received.

REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF THE SUPERINTENDENT OF COMMON SCHOOLS, }
Leavenworth City, December 31st, 1860. }

To the Members of the Legislature of Kansas Territory :

GENTLEMEN :—According to section eight of the “ Act for the organization, supervision and maintenance of Common Schools,” approved February 11th, 1859, it is made the duty of the Territorial Superintendent of Common Schools “ to submit to the Legislature a report, bearing date on the last day of December, in each year, containing : First, an abstract of all the Common School reports received by him, from the clerks of the several counties in the Territory. Second, a statement of the condition of Common Schools, in the Territory. Third, estimates and accounts of the expenditures of the School money. Fourth, plans

for the improvement and management of the Common School fund, and for the better organization of the Common Schools. And fifth, all such matters relating to his office and the Common Schools of this Territory, as he shall deem expedient to communicate." In compliance with this requisition, I have the honor to lay before you the following report :

COUNTY REPORTS.

Owing to the Legislation of last winter—"Abolishing the office of County Superintendent, and failing to make it the duty of any other county officer to report, to this office, the condition, &c., of the public schools"—I am unable make a full and definite report for the past year.

What few reports have been received, so far, are from counties where the Superintendents have been sustained, either from ignorance of, or a disregard to, the legislation of last session. Reports have been received from Leavenworth, Atchison, Johnson, Franklin, Breckinridge, Coffey and Waubaunsee counties, containing the following particulars:

Waubansee county reports six organized districts. From three of them the following items are gleaned: Youths between the ages of five and twenty-one years, 135; attendance at school, 114; months of school taught 19; public money, none. Schools were taught in the other districts, but not reported. People strongly attached to the public schools.

Breckinridge county, organized districts, 13; schools entirely sustained by private subscription; no public funds; much interest manifested in free schools.

Franklin county, organized districts, 25; length of school taught in each, three months; sustained by private funds; the general interest in public schools gaining ground.

Atchison county, organized districts, 26; all heard from have had schools part of the year; no public money received; raised by private means, for tuition and building school houses, \$3,469; schools well sustained for this county.

Johnson county, organized districts, 32; all, as far as heard from, have sustained schools from three to nine months each; teachers' wages ranged from \$11 to \$50 per month; attendance ranged from 23 up to 59; no public money for the year; school reports very favorable; advance on last year.

Such is an abstract of the county reports received. These reports are but partially made out. The Superintendents were in doubt what to do. Most of them had been kept from attending to their duty from the flying and contradictory reports, regarding the laws of last winter. As the acts of the session were not forthcoming until September, the county officers were unable to accomplish anything, fearing, if they did make any advancement.

in perfecting and advancing the school interests of the county, the adverse and unpublished laws would disannul and overturn all. It would have been well for the educational interests of our Territory if those laws had been permitted to remain in manuscript until now. But we must take things as they are, and report from the incomplete material at hand, and from the facts gleaned from letters, and our intercourse with the people, while visiting, &c.

In giving some idea of what our school system has done, and the extent of the public schools in the Territory, I will take the five counties reported above, leaving out Leavenworth, the largest, and Coffey, which is about medium, and make them the basis for the twenty-four most thickly settled counties in the Territory. This would give us 20 districts for each county, or 480 districts for the Territory. Allowing fifty youths, between the ages of five and twenty-one years, for each district, and we would have 24,000 children entitled to public instruction. This estimate will be found to agree very nearly with the true population of our Territory. But, even if we allow but fifteen districts for each county, we will have, on the same estimate, 18,000 youths requiring an education.

Again, taking either of the estimates, and allowing 30 scholars to each school as an average attendance, and we will have, by the former, over 14,000, and, by the latter, over 10,000 pupils, in regular attendance at school, for at least three months during the year.

To show that these estimates are not above the facts, if the full statistics of the Territory were collected, I will give you district reports, taken from three counties, as fully representing the condition of the Territory as could be selected.

District number eight, Johnson county, reports youths between the ages of five and twenty-one years, 59; attendance at school, for five months, 43; teacher's wages per month, \$30. The average attendance, for twelve districts reported, in the county, is 38 2-3.

District number two, Waubaunsee county, reports an attendance of 33, for five months' school.

District number six, Coffey county, reports youths admissible to school 49, with an attendance, for three months' school, of 40 pupils. Teachers' wages \$25.

From this estimation, and allowing \$20 as the average teacher's wages, per month, there must have been, at least, \$25,000 paid for tuition, during the past year. This, with the money raised for building and repairing school houses, will amount to upwards of \$35,000.

As to the number and value of school houses, in the Territory,

I have no means of knowing, only from personal observation, private letters, &c. From these sources I am led to estimate the school buildings at six for each county, worth \$400 each, amounting in value to \$57,600.

From these approximations, (and I think they are much below the real facts, being much below the reported ones,) you may gather some idea of what has been accomplished in so short a time, and, also, what may be accomplished by efficient and judicious legislation, and by the proper encouragement, and sustaining our school system. The failure of the Legislature to appoint any county officers to report to me, has left me without means for furnishing you with any fuller report in this department. The necessity of having an officer in every county, whose duty it shall be to furnish the Territorial Superintendent with a full and complete report of all the schools in the county, is indispensable to any well regulated system of public schools. Such reports can only be made out by officers appointed for that very thing. The experiment of obtaining full statistics and reports, from county Auditors and county Clerks, has been tried time and again, by many of the older States, and always ended in a failure. These county officers have not the time, and, even if they had, it is not in their line of business, and will, therefore, be neglected.

There should be laid before the Legislature, annually, such a report of the school system of the Territory as would give, at a glance, an abstract of its workings, progress and wants—its efficiency in bringing the children of the Territory under its influence—its resources and expenditures—and, in fine, everything necessary to be known by the Legislature and people. This only can be accomplished by officers chosen for that business alone, whose duty it shall be to see that the school law is carried out, in full, and report accordingly. Without such officers, legislation will accomplish but little, and the school system of our Territory, in many places, fall to the ground.

CONDITION OF SCHOOLS.

Considering the desolating and unprecedented drouth of the season, with the financial embarrassment, which it has brought upon all classes of our people, we ought, most assuredly, to feel highly encouraged with the comparatively prosperous condition of our common schools. But few, if any, of our districts have abandoned their organizations. In these organized districts, where the school law has become inoperative, it is for want of proper county officers to inform the people what to do, and to direct the local officers in the path of duty. Although the whole school system of our Territory has become deranged and bankrupt, from the act of last winter's Legislature, in passing by the public schools, when appropriating the public money, yet the

attachment of the people to their schools is so strong that they have clung to their organizations, amidst embarrassment and great discouragement. For what can be more discouraging to a people than to tax themselves and build school houses, elect officers and organize districts, with the hopes of having free public schools for their children, and to find that when they have teachers employed and schools in operation, the Legislature of the Territory has closed the public purse against them, although opened widely to almost everything else. Such treatment creates distrust and discouragement, which only a brave people, imbued with the principles of freedom and progress can overcome, and who believe and act upon the principle that when one set of men fail to do their duty, the only way is to lay them aside and send better men to fill their places.

We are not to look upon the empty school houses, for the coming Winter, or scarcity of school teachers, as denoting a backward movement in our schools, or a want of interest on behalf of the people. We must look at the impoverished condition of our country, and judge of our public schools by other enterprises of our people. In doing this, we will be surprised to find the progress made, even in the midst of actual want.

When we behold the sturdy farmer, viewing with blighted hopes his empty granaries, poverty-stricken herds, fruitless fields and sun-scorched prairies, with neither money in his purse, nor credit abroad; mechanics wandering around with folded arms and downcast eyes, debating in their own minds how they shall raise enough to carry them to the States, that they may escape the coming famine; merchants unemployed in merchandizing, but busily engaged on their ledgers, and with the accumulating responsibilities of notes coming due, debts unpaid and bankruptcy inevitably coming upon them; and men of all professions with heavy hearts and dark forebodings for the coming Winter, doubtful as to what course they ought to take, and meeting gloom wherever they turn. When we look these facts in the face, and judge of our common schools by them—when we recall the heart-sickening feelings and heavy gloom of the past Fall, that hung o'er man and woman in the greater part of our panic-stricken country, and remember that in the midst of all this actual want and anticipated starvation, many, very many of our schools were, and still are, in successful operation; and while want, with her famished fingers, gaunt and lean, has cast her skeleton shadow, with pinching vividness, in and around the family board, still the school-houses, many of them, have been filled with young and buoyant spirits, hunger-pinched, but thirsting for knowledge: food that will make them men and women—will nourish them and make them grow, long after this famine shall have passed

away and been forgotten. These things speak loud and to the heart of every one. Free schools, "the boon of heaven," the cradle of our liberties, the basis of our prosperity, the birthright of our children, for they bestow an inheritance better than gold, more precious than diamonds, and a blessing that every true Christian and lover of his country wishes to leave to his children. They have been sustained in famine, nourished by the people, and clung to when other things failed.

Do not these things show progress and such encouragement as one could hardly expect under the circumstances. Subscription schools have been maintained all over the Territory, and from letters received, and from other sources of information, I am assured that quite a number of new school houses have been erected, while others have been repaired or finished, and some begun but left incomplete for want of means. The general attendance of pupils at school has been tolerable, and the character of the schools are improving. Many new districts have been organized by last year's Superintendents, who have gone on either in ignorance, or in doubt of what the law was. A large number of schools have been taught with the hope of receiving public money. Some were commenced, and after the unfavorable reports became partially confirmed, were discontinued.

In view of the many drawbacks on every side, our school reports are very encouraging. But few districts have retrograded, most have made some advancement. Teachers have been fitting themselves for greater usefulness. The school law is becoming better understood. A large class of those opposed to the schools are leaving, while we may look for a better class of citizens taking their places. We must look for most of the schools in the interior counties being closed during the Winter, while many of our teachers will seek situations in the States for a time. But this cessation will only affect the people and our schools for the time being; will act like a protracted vacation, and make all classes more eager for reopening the schools, when prosperity settles among us again. It will require some prompt and judicious legislation on your part to enable the people to keep up and sustain their organizations. I need not urge upon you this necessity. You are fresh from the midst of the people; you ought to know their wants. Let not party considerations hold you back from duty. Neither the clamor of a few interested landholders, who care neither for the welfare of the country or people, if their taxes are lightened at the expense of the country, which, without education would soon be filled with ignorance, crime and the degraded of other States. The common schools are the common property of every one. They are for the public welfare—the public safeguard, and the only sure bulwarks of our

free institutions. Better than bayoneted soldiers—better than shotted cannon—better than State prisons or almshouses; for they civilize the lawless—they defend the oppressed by teaching man his duty to his fellow man, and they make men law-abiding, industrious and happy. Guard them well, for they are the life blood of our common country.

SCHOOL FUND.

The Legislature of last Winter made no provision for levying a school tax, or raising a fund for the sustenance of public schools. Neither did it make any provision for the County Superintendents paying over what funds remained in their hands to any other officers. On this account, what public funds there were have been either frittered away or withheld from the schools to which they of right belonged. These things have not only occasioned much trouble and bitterness against the school system, at the bungling manner in which its funds have been handled, but they have thoroughly disgusted some of its warm friends. If we are to have a system of free public schools for our Territory, it should be fully carried on and vigorously sustained, or else abolished at once, and not kept in a miserable existence between living and dying. That we are to have such a system of common schools is now beyond question. The genius of our institutions demand it, and the intelligence of our people will have it. They may be baffled out of it for a while, but not long, for Kansas occupies a position which requires a liberal school law, and the patriotism of her sons will yet give her such a law. To properly sustain such a law, a tax of at least one dollar, for each inhabitant in the Territory, should be levied. This sum, judiciously distributed among the several counties and employed exclusively in the payment of teachers' fees, would at once give a noble impulse to the educational interests of our Territory, would bring to our aid some of the best talent of our common country, and would place us in advance of many of the older States. This amount is not beyond what our people are willing to bear. Not one-fourth as hard on the actual settlers and non-schoolers of our Territory, as it would be if they had to educate their children by private subscriptions. Private schools cost at least one dollar per month for each pupil. The parent who has three scholars to send to school for nine months in the year, would have to pay thirty-six dollars. Now what would be his probable tax in order to give them the same amount of schooling from the public funds? Suppose him to be worth \$4,000, and to pay a school tax of two mills to the dollar, (and this levy of two mills to the dollar on all the taxable property of the Territory, would raise the required amount,) his tax would be eight dollars. But where, do you ask, would the other twenty-eight dollars come from? I answer first,

it would not require as much to sustain public schools, as they would have their own house and other furniture necessary.— Second, the public school lands would furnish part of it; and third, the rest would come from non-residents and men of wealth who own large tracts of land and other property, which would be increased in value in proportion to the intelligence and educational advantages of the community in which their property was located. It is nothing but fair that those who reap the benefit arising from an educated and prosperous neighborhood, should assist in bearing its burdens, when the result is putting money in their own pockets.

Now, if this view of the subject is correct, and who in this age of the world can successfully overturn it, what is your duty as legislators? Is it to stand still, or even to hold back? You have the example of all the leading and prosperous States of our Union urging you to go forward. The people will not only sustain you in making such laws, and in all wholesome legislation in their childrens' behalf, but they will bear to be taxed for their education. You will meet with strong opposition from the ignorant and sordid. Men who care nothing for the well-being of the community, if only their wealth may be increased, will not pay taxes, if making a noise and outcry will deter you from duty.— We cannot go back in this matter. Advance is the only alternative. To falter would bring merited disgrace. Positive injustice would be done those who have left the advantages of the States; forsaken homes and the free schools of the East, and brought their young families to our Territory in hopes of meeting like privileges and blessings with those they left. This much is expected from our own people, and this we should insure to those seeking new homes among us.

SCHOOL ORGANIZATIONS.

So different and complicated are many of the school organizations of the States from which our people have come, that it would be utterly impossible to frame any law, or school system, that would please all. Each one has his own prejudices in favor of one system or another with which he has been associated from youth—so firmly settled, that it would require mighty arguments, and those strongly presented, in order to change or alter his opinions. But, without trying to satisfy every one with this or that plan, we should endeavor to obtain such a system as would most fully meet the present wants of the people, and the easiest to be understood. There are only two plans of organization to which I would call your attention: First, that of townships, in which each civil township is made one district, with as many such districts as the wants of the people require, and, second, the present mode of dividing the counties into separate and independent districts.

Both these modes are easily understood by the people. Each has its advantages over the other; and, while I would recommend the township districting for sparsely settled counties, I would be in favor of the single districting for its simplicity. I only call your attention to this subject, because now is the time when it can be best attended to, yet, care should be taken not to cause unnecessary derangement by a hasty change from one system to another.

COUNTY SUPERINTENDENTS.

In connection with organization, comes up the subject of County Superintendents. In recommending the necessity for such an officer in each county, I will only state a few of the more obvious reasons for sustaining such offices. Without some such officer to go around and visit each district in the county, at least twice each year, to explain the law, and to require the district officers to attend to their duty, collect the district report, and send an abstract of those, and other county school matters, up to the Territorial Superintendent's office, you never can obtain anything like a correct report of the utility and workings of our school system. Again, in organizing school districts, the County Superintendent is more likely to deal impartially, and act more promptly, than when it is left to township officers, who are always tardy about such matters, and are more liable to be influenced by local jealousies and neighborhood associations. When a district has to be formed from parts of counties or townships, a new source of difficulty arises, which is very hard to settle by local officers. The distribution of the school funds, with the supervision and execution of the school law, the examination of teachers, and appointing of school officers in vacant districts, can all be better attended to and regulated by County Superintendents than any others.

TERRITORIAL SUPERINTENDENT.

An officer, whose duty it shall be to oversee and superintend the common schools of the Territory or State, is not only almost, but altogether indispensable to the success and proper management of the educational interests of any State. This has been found out by the experiments made in some of the Western and other States, so that, after numerous failures and culpable negligence on the part of officers, who were required to do double duty, the State Legislatures were compelled, for the good of the State, to either appoint some such officers, if their Constitution did not provide for them, or to recommend amendments to their Constitutions. This was often a subject for gubernatorial recommendation.

But I do not intend to take up your time arguing on a fact so self-evident, from the experience and example of almost all the *educational States* of our Union. I only intend to call your

attention to the subject, so that you may learn what our country demands, by the actions of others, and act accordingly and intelligently. In regard to the salary of the Superintendent, I need not repeat the remarks or arguments of last years' report. You can find them under the heading, "Compensation of the Superintendent," on page 8. But I would most respectfully and earnestly ask your attention and action to that section of the School Law that allows the Superintendent (\$1,500) fifteen hundred dollars salary per year, with an additional sum of two hundred dollars (\$200,) for room-rent, stationery, &c. The Legislature of last winter failed to make any appropriation for this office for 1860. The previous Legislature left the \$200 to be appropriated by the next Legislature, but they failing to make any school appropriation, I am, therefore, entitled to the following appropriations from this Legislature: 1. For stationery, room-rent, &c., for 1859, two hundred dollars (\$200.) 2. Salary for 1860, fifteen hundred dollars (\$1,500.) 3. And for stationery, room-rent, &c., for 1860, two hundred dollars (\$200.) In all, nineteen hundred dollars (\$1,900.) This, instead of coming to me, as required by law, I have had to lie out of, and use my own purse fund to the amount of almost \$1,000. It is surely time that I had the Territorial scrip, even if worth but 30 cents on the dollar, for that is better than nothing.

Again, my term of office expired on the 2nd inst., but I am required, by law, to remain in office until my successor is elected and qualified, and, as he will not be qualified until the first of January, 1861, I will have continued in my office one month longer than the term for which I was chosen, so that there will be due me an additional month's salary—one hundred and twenty-five dollars (\$125.) The whole amount due me, on leaving the office, January 2nd, 1861, and for which an appropriation is asked, according to law, is two thousand and twenty-five dollars (\$2,025.) Hoping that you will see, and duly appreciate, the embarrassment under which I have labored, in lying out of my salary so long, and that you will feel the duty and necessity for making the lawful appropriation, I leave the matter with you, trusting to your integrity and proper sense of justice.

GENERAL REMARKS.

In concluding my final report to your honorable body, and in addressing you as legislators and fellow-citizens who have the future prosperity and welfare of our growing Territory deep at heart, I cannot forbear reminding you of the position you occupy, and of your responsibility as law-makers. As a Territory, looking forward for speedy admission as a sovereign state, under the in coming administration, it becomes your duty and

privilege to place this Territory in as flourishing a condition as possible. It will not only be a duty and privilege, but an honor lasting and enviable—that you have in the midst of difficulties almost insurmountable, laid the foundation for the future greatness and growing prosperity of our maiden State, that will draw forth the warm plaudits of coming generations, and meet with honorable mention when progress and enlightened legislation are eulogized.

You will have mountain difficulties to meet and overcome—difficulties which well might quell the boldest heart, and fill with trembling the wisest legislators. But these barriers should only nerve you more firmly to meet and overcome; to boldly face the emergency and triumph in the right. You have many encouragements to cheer you on to duty. Your love of home and country; your emulation as patriots and statesmen; the example of other governments and their success; with the blessings of Heaven and the approbations of conscience in having performed your duty.

First, *You will have much, if not all the legislation of last winter, relating to our public schools, to do over again.* It is painful and unpleasant for me to recur to it so often, but a sense of duty for that part of the public interest over which I have been called to watch, compels me to speak out. Why such legislation, in the very face of facts, the most opposite and distinctly contrary to the expressed will of the people, as set forth by them and broadly published to the world in a permanent and reiterated form—first by their delegates who formed the Wyandott Constitution, and second in their own deliberate adoption of that instrument, was even brought forth in the face of an enlightened people and pushed through, I am unable fully to comprehend. To those at a distance it appears like child's play—one party building for the next to pull down. But let the motive be what it might, true patriotism and the well-being of society, or local jealousies and a love of change, the effect is deplorable. The whole efficiency of the school system has been arrested in its very successful career; and, had it not been for the deep-seated attachment of the people for public schools, the great majority of the work would have had to been done over again. But, happily for the interest of education, the people flew to the rescue, when the rightful guardian abandoned their charge, and nobly have they acted in the midst of discouragements and stern want.

Second, *The impoverished condition of our country must be fully considered.* We are in the midst of famine. The heavens have been as brass, and the earth as iron, to our agricultural prosperity the past summer. Starvation is hovering darkly around the homes and hearths of thousands of our people. Aid

must come from abroad, and sustenance from our friends in the States. Our people must be contented and satisfied with the gleanings of others prosperity. Their calamity came in a day when they looked not for it, and found them unprepared. They must now await the smiles of Heaven, and the prosperity of years to set them on an equality with their neighbors again. Two years of plenty will hardly suffice to recover from the financial embarrassment of the present year. This consideration must be kept in view as you make your appropriations; and, while attending to the many other wants of the Territory and people, let not the educational wants of our children be neglected. Although you will not be able to provide as liberally for the maintenance of public instruction as could be desired, yet you can see that it is not ignored or even made secondary to any other appropriation. The 25,000 children of our Territory look to you for an education. You owe it to them by unalienable rights, and are in duty bound to provide the means for carrying out your obligations. The future welfare of our country pleads for the universal education of all classes. The experience of our parent States points to this as the path to future greatness; and your duty to your God and country demands this much at your hands. From whence, let me ask you, comes our national greatness? Look at the States on which we fall back in time of need, and from which help comes in the hour of trial. The source of our present succor, while our poor country is sorely swept with the sirocco of want. Is it from those States where free schools are unknown—where popular education is excluded, and where the masses wallow in ignorance? Is it from the States where the public purse strings are held with a miser's grip when the free schools ask for sustenance, but opened to prodigality for political corruption? No, I answer; emphatically, no. But it is from the States where *free schools* are nurtured with a parent's care, are fostered with a liberal hand; from a people whose greatest glory is their free institutions, free schools and religious privileges—who, in doing honor to the nation's guest, the most honorable of all visitors to our common country, could imagine no greater treat or token of their good will, than an exhibition before him of their Free Public Schools—the palladium of their glorious liberty; the basis of their greatness and prosperity, and the sure guide to final and triumphant success. Let us learn from such a people, as we lay the foundation of a future State. Let us engraft into our government the true basis of prosperity; and let us hold out such inducements, by our enlightened and liberal endowment of common schools, as will attract the enterprising and industrious of other States, to hail with joyful anticipations a home in our broad prairies. And, as we knock at the Halls of Congress for

admission into the sisterhood of sovereign States, let us do so, not still in leading strings, but as a sovereign people, possessed with a school system, if not so fully developed, yet as broad in its foundation and equal to any in the Union.

Third. *Our sparsely populated country, and the character of our people.* The difficulty of framing a school law, that will meet the approbation of all our people and supply the wants of all parts of our Territory will be apparent to any one, on a moment's reflection. Such a law cannot be made, neither should it be attempted. There only can be an approximation made in that direction, but these difficulties will disappear as the country becomes settled, and the people better acquainted with the law. We should bear with some present disadvantages rather than be continually changing to accomplish an impossibility. We should hold to one system until we have given it a fair trial. This thing of repealing one session what has been enacted the previous one, before a fair trial has been made is not only ruinous to a country, but fraught with disagreeable consequences and uncalled for expense. The school law of 1859 was working well wherever understood and put into operation. That it had many opposers is not to be wondered at, among a people raised and educated under all kinds of school systems. They as a matter of course had their preferences; and their preference, or prejudice, often regardless of what our country requires. Would it then be wise to endeavor to make a law that would suit every class of emigrants from the several States? or would it not be more wise to hold to that which has given tolerable satisfaction in all parts of our Territory, and with which the people are becoming acquainted—a law that in all probability is more agreeable to the people than any that could be framed. You must remember that two or three opposers of a law will say more against it than a hundred friends will say in its favor. Those pleased with a law are silently satisfied, while the few opposed make up in numbers, by bluster and outcry. *You will note further*, that most, if not all, who oppose this law, have become so from local difficulties with school officers, about district lines, &c. Such is the fact in almost all cases brought to my knowledge. Let us keep this law until thoroughly tested.

Fourth. *Your position as law makers.* The time when the question, "Is it the duty of the State to provide Free schools for the education of all its youth," was debatable, has passed away, and the binding obligation of every government to educate all its youth at the public expense is now fully admitted by every enlightened statesman. We cannot go behind the age in this matter. I feel that for me to recommend a conservative policy in regard to sustaining and supporting our Public schools, would merit the open and indignant rebuke of my fellow citizens, and

leave a stigma on my character as the guardian of public Instruction for this Territory. We must advance steadily. We are a western people. Progression is stamped upon our very existence. This is shown by our forsaking homes and the comforts of life for pioneer life in a new and unsettled country, by our indomitable energy in overcoming difficulties, by our persevering struggles in driving the oppressors' yoke from our land; and by our success in freeing ourselves and posterity from the deadly incubus of barbaric despotism. If we do not advance, our places will be filled by men who will. To go back is impossible. Look at our position. We are the observed of all observers. The old and the new world are noticing us. They have heard of our struggles for a free Territory. When in the hour of our troubles the sky was dark and ominous, we had their sympathy and prayers—and when the news that our blood was mingled with our efforts for freedom a cry of horror arose from earth to heaven, which was only equalled by the shout of joy which spread through Christendom as the fiery tongued lightning proclaimed our triumphant success.

Our struggles are not yet over. True we have not brute force to contend with, only as it confronts us in ignorance. But we have the ignorance and prejudices of men raised under the chilling influences of petty despots—to overcome despots who imagine that education is alone the birthright of the rich and wealthy, while ignorance and subjection is the perpetual inheritance of the poor. We have these to bear with, to overcome and to conquer.

Again—*We have a State to build up*, a home to provide for the young and stout of heart who is turning towards the setting sun with an eye to the future. Our Territory is before him. Its fame has been sounded in his ears. Its rich and productive prairies, its never failing springs of water, with its untold quarries of rock and limestone—all these he has heard of time and again.

They are all very good in their place, but he wants something else. For, as he looks back upon his family, and meets the sparkling eyes of his little ones, new thoughts fill his soul.—These hopes of his old age must be cared for. These candidates for immortality must be guided in the path of knowledge, and turning from the attractive picture of rolling prairies and luxuriant fields, he inquires about our schools, our facilities for education. “I have a family,” says he “children that I love as my own soul. They must be instructed. I like your land, its deep rich soil, but I like my children better. If you can give me good free schools, I will come and settle among you, but if not I will go elsewhere.” Now, what shall be our answer? This is the kind of settlers we want. Men who prize knowledge before gold, and wisdom better than riches. Such men are the bone and

sinew of any nation—the pillars of her stability. Shall we say “come, and we will do you good! come, for our Legislature has given us a system of public instruction, and free common schools equal to any in the world! Come, sir, come and welcome!”

Soon the famine cloud, that broods over our land, will have passed away. Our Territory has witnessed and passed through darker days than this. God in His mercy will, ere long, break the seal of this storm-cloud and unfold its silver lining. The lightnings of heaven have revealed the nakedness of the land, as the thunders muttered desolation and distress. But the van of the tempest is now lost in the distance, and soon the sunshine of plenty will cast her sail over the length and breadth of our land. Faint not at the gloom of the present. Let the past be your guide for the future. Stand up in the hour of peril, and meet the blast as it sweeps along. 'Tis only the true statesman who stands up in the midst of danger and boldly meets every emergency, while the coward proves traitor to his trust, and flees his post, in his country's need, and beats an ignoble retreat.—Then, like true patriots and statesmen, look these difficulties in the face. Meet this responsibility without shrinking, and achieve for your brows, laurels unfading, and a memorial engraven in the hearts of posterity, and archives of your country.

S. W. GREER,

Territorial Superintendent of Common Schools for Kansas.

SUPPLEMENT.

As several county reports were not received until the body of this Report was written out, the following partial reports are inserted here, as the Superintendents and people from whom they come deserve all praise for the noble manner in which they have upheld the school system of our Territory. In several counties, from which no official reports have been received, I hear very flattering accounts almost daily. Doniphan county has some very good schools, and Brown and Marshall, but have not been able to do much for want of proper management and supervision. The people are becoming more attached to the school system; old prejudices are dying out, and now, when the moving wheels, the Superintendency, is taken away, they begin to see and appreciate their loss. But still, educational matters are encouraging, and many County Superintendents deserve all praise and encouragement for the manner in which they have attended to the organization and encouragement of schools in new districts. The following reports speak for themselves:

Jefferson county has 20 organized districts, in most, if not all of which good schools have been taught, during part of the year. Grasshopper township reports 5 districts, with \$1,000

township fund. Also, in Oskaloosa, and other places, they have had good schools most of the year.

Douglas county reports 43 organized districts. From 27 of them, partial returns have been received, showing that each district has sustained, during the past year, an average of four months' school, and 30 pupils to each district in attendance. In the absence of the Superintendent, his Deputy reports that, so far as he has been able to learn, the people throughout the county are deeply interested in the cause of free schools; that almost every district has arranged, for winter school, notwithstanding the poverty-stricken state of affairs, throughout the country. The amount raised and reported for tuition was \$1,000, besides other sums raised for building and repairing school-houses. This county has had the services of an active and energetic Superintendent, and the above tells the tale.

Lykins county reports 30 organized districts, in most of which schools were taught for three months during the year. These had to be sustained by private subscription, and so will those taught during the winter. The following report from the Superintendent will give you some idea of what the prospects are there, and yet it speaks but a common language, with many others. Almost every one speaks encouragingly of the school system among the people, and of the interest beginning to be felt by all classes in its maintenance. Indeed, all that it requires is proper management by officers, whose duty, exclusively, it shall be to attend to school matters, and the fostering care of the Legislature give them such a school system as will, in the best degree possible, meet their wants, and they will show you a development worthy of Kansas and her people, and up with the advancement and progress of the age.

S. W. GREER, Ter. Sup't.

TO THE SUPERINTENDENT OF COMMON SCHOOLS OF KANSAS TERRITORY :

In pursuance of the sixteenth section of "An Act for the organization, supervision, and maintenance of Common Schools," in said Territory, I have the honor to submit the following report of the condition of Common Schools, in the county of Lykins :

In January, 1859, I accepted the office of County Superintendent, for this county. At that time there were only some eight or ten districts, legally organized, and of these not a report had been received by my predecessor in office, or, at least, nothing appeared among the papers of the office. Since that time the number has increased to thirty, but our organizations are far from being complete. But the pressure of the times has produced this tardiness, and notwithstanding the clouds of adversity,

which are hanging over our citizens, the work is progressing with a zeal and energy which will defy all opposition, if God, in His providence, (in future years,) will water this land with the dews from Heaven, and revive the hopes, energies and fading fortunes of many of our citizens. In passing over the county I am met with almost daily calls to organize districts, lecture, visit schools, &c., which is the best evidence in the world of the ultimate success in raising the standard of instruction in our midst. But the want of suitable buildings is every where felt, and the financial famine is too severely felt by our citizens to expect much this year; but, in the face of all this, nearly every district has assessed a tax for the purpose of erecting suitable houses, and the support of schools the coming year; but the reports received from District Clerks have been few and tardy, owing, in part, to a want of the late law. I have not yet received a copy for distribution, and few of the district officers are aware of what the law requires, and up to the time this report should have been submitted, I had received reports from three districts only; but, under favorable circumstances, in a few years, Lykins county will be able to submit a report which will reflect credit upon her intelligent and enterprising citizens. The whole number of school districts, separately set off, within the county, thirty; fractions, one.

The following resolution of the Board of Commissioners of Douglas county, was introduced:

Resolved, That the Governor, Secretary, Members of the Legislative Assembly, and Judges of the Supreme Court of the Territory of Kansas, be respectfully invited to visit and inspect the County Jail of Douglas county, on the 10th day of January, 1861, at such hour as they may deem convenient.

Resolved, That the Clerk be instructed to forward, forthwith, a copy of said resolutions to the Governor, Secretary, the presiding officers of each House, and to the Judges of the Supreme Court.

Commissioners, { TURNER SAMPSON, Ch'n.
F. GLEASON,
W. B. HAYDEN.

I hereby certify that the foregoing resolutions passed the Board of County Commissioners of Douglas county, the 18th day of January, A. D., 1861.

{ SEAL } In testimony whereof, I have hereunto set my hand and affixed the seal of said Board of Commissioners, this 10th day of January, A. D., 1861.

CALEB S. PRATT,
County Clerk.

Mr. Markham moved to adjourn until to-morrow morning, at 9 o'clock A. M.

Lost.

Mr. Deitzler offered the following resolution :

Resolved, By the House, (the Council concurring,) That the two Houses meet in joint session, at three o'clock P. M., for the purpose of hearing the Governor's Message.

Adopted.

On motion of Mr. Wood, the report of the Superintendent of Public Instruction was laid upon the table to be printed.

Mr. Wood was excused from serving as member of Committee on Elections.

Mr. Dunton was excused from serving as member of Committee on Enrolled Bills.

Mr. Guthrie was excused from serving as member of Committee on Enrolled Bills.

Report of Mr. Winchell from Committee on Rules.

On motion of Mr. Deitzler, the report was laid upon the table, and ordered to be printed, and made the special order for ten o'clock to-morrow.

Mr. Lines was excused from serving as Speaker, *pro tem*.

Mr. Greer introduced House Bill, No. 3, an Act entitled "An Act to repeal certain laws therein named," which was

Read first time.

On motion of Mr. Wood, the Bill was

Read a second time.

Mr. Dunton moved that the Bill be read a third time, and pass.

On motion of Mr. Deitzler,

The Bill was referred to the Committee on Judiciary.

Mr. Winchell moved to amend, by instructing the Committee to report to-morrow.

Amendment adopted.

Message from the Council :

MR. SPEAKER:—I am directed to notify the House, that the Council has passed the following resolution, and request your concurrence :

Resolved, By the Council, (the House concurring therein,) That when the Council adjourns it will adjourn to meet in joint session of the two Houses, in the hall of the House of Representatives, at three o'clock P. M., to receive the communication of his excellency, the Governor. . .

Mr. Winchell introduced House Bill, No. 4, an Act entitled
“An Act to incorporate the Havana City Company,” which was
Read first time.

Mr. Guthrie introduced House Bill, No. 5, an Act entitled
“An Act respecting the taking effect of public Acts,” which was
Read first time.

Mr. Burris offered the following resolution :

Resolved, That the Chief Clerk and the Engrossing Clerk, each be authorized to appoint such Assistants as they may need, respectively, each appointment in each case to be reported to the House for its approval.

On motion of Mr. Winchell, the resolution was laid over till to-morrow.

Mr. Greer gave notice that he would, on to-morrow, introduce a Bill to postpone the payment of the taxes for the year 1860, and for other purposes.

Mr. Dunton introduced House Bill, No. 6, an Act entitled
“An Act to incorporate the Smoky Hill Company,” which was
Read first time.

Mr. Lines offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to invite

the several clergymen of this city to open our daily sessions with prayer, officiating alternately.

Mr. Deitzler moved, as a substitute, that the House proceed to elect a Chaplain.

On motion of Mr. Wood, the substitute was laid on the table.

On motion of Mr. Wood, the vote was reconsidered, and substitute withdrawn.

On motion of Mr. Deitzler, the word "Sergeant-at-Arms" was stricken out, and that of "Speaker" inserted.

The resolution as amended was adopted.

The Council and House having convened in joint session,

On motion of Mr. Roberts, a Committee of one on the part of the Council, and two on the part of the House, were appointed to wait upon the Governor, and inform him that they were ready to receive any communication which he might have to make.

Committee—Roberts, Fairchild, Mathias.

The Committee reported, through their Chairman, Mr. Roberts, that the Governor would communicate immediately, in writing, through his private Secretary.

Message was read by the private Secretary of the Executive, from the Clerk's desk.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, K. T.,
January 10th, 1861. }

Gentlemen of the Legislative Assembly:

Charged with the grave responsibility of enacting laws for the government and protection of the people, and the promotion of the general welfare of the Territory, you are met under circumstances of no ordinary interest.

Of the resignation of the Hon. SAMUEL MEDARY, late Governor of the Territory, you are already apprised. Though, as a man, uncompromisingly devoted to the principles of that political organization with which

he has been so long and prominently identified, as an officer he was to all alike courteous and impartial. Firm, faithful, and energetic in the discharge of his every duty, he rendered his administration the most prosperous period in the existence of the Territory. In retiring to private life, he leaves a people who remember him with sentiments of affection, and with whom it is a matter of regret that any cause should have existed, rendering necessary the step he has taken.

Section 21 of the Organic Act provides, that "in case of the death, removal, resignation or absence of the Governor from the Territory, the Secretary shall be, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor, during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy:" Therefore, by the resignation of the late Executive, the powers and duties of that office are required to be performed by me.

In assuming the additional functions thus suddenly imposed, there is no requirement in its nature calculated to impress me with a more appreciative sense of the dignity and honor of my position, than is this one of submitting to you, gentlemen—so far as I have been able to ascertain it—the true condition of the affairs of the Territory, and of suggesting, in connection therewith, the propriety of such action with reference to the various matters demanding your attention as has, to me, seemed necessary for the correction of existing evils, and the advancement of our mutual interests as a people. If you shall not, in every instance, concur with me, and lend the authority of your approval to such recommendations as may be made herein, I shall, I doubt not, in the main, from a conviction of the superior wisdom of your proposed action, be prepared to sanction and complete such provisions as you shall deem better calculated to compass our one great mutual aim—the people's good.

Permit me to remind you, before entering upon the discharge of your Legislative duties, that it is of the first importance that you carefully review and fully understand the peculiarities of your position as members of the Legislative Assembly of a Territory; for, I cannot conceive that it is your desire to involve further trouble by the exercise of unwarrantable, or ever doubtful, prerogatives. While the Legislators of a State can refer for their authority to the written constitutions, established by themselves and their constituents, rendered clear and emphatic by the decisions of judicial tribunals chosen by their own people, you are left to determine, on your own responsibility, the extent of yours, from an enactment so difficult of demonstration, that neither its reputed author, nor any of its thousand volunteer expounders, have been able to explain it, even to the satisfaction of themselves; and, in forming your conclusions, it is your further misfortune to be subjected to the confusion resulting from a six years fight among a generation of politicians far more remarkable for hypocrisy, vindictiveness and corruption, than for sincerity, wisdom and patriotism.

Whatever may be the opinions entertained by you of the relative position of a Territory to the Federal Government, you cannot but admit that to the Organic Act alone you are to look for all the power and authority vested in you as the Legislative Assembly of the Territory of Kansas. By that enactment your legislative power is made "to extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of" the Act itself. Within the limit thus prescribed, your acts are valid and of force; beyond it they are of no effect whatever. This government, a part of which you are, is not the creation of the people over whom it operates; nor are they or you, *as represented in it*, possessed of any sovereignty whatever. That sovereignty is inherent in every people, is, indeed, true; but in each instance where there exists a government, the power and authority of which is not the delegation of the people over whom it extends, the entire and complete destruction of such government is necessarily consummated by the assumption by such people of their sovereignty. For you, then, who have sworn to support the Organic Act, and maintain this Territorial Government—the creation of the Federal Congress—to assume to act in the name of the sovereignty of the people included within the geographic limits of Kansas, would be an inconsistency, nay, an absurdity, of which I cannot imagine you will be guilty. Taking the Organic Act, then, for your guiding chart, you will readily conceive the necessity of understanding, first, what constitutes "rightful subjects of legislation," and second, what legislation with reference to such subjects will be consistent with the Constitution and the provisions of this governing Act.

As it may be very reasonably assumed that with your labors will close forever the legislative history of this Territory I would recommend the propriety of your confining yourselves to the work of harmonizing, perfecting and rendering more effective the provisions of those laws already existing, rather than to attempt the preparation of any very general system of an original character. That there may be some instances calling for your action, with reference to matters, touching which there are at present no statutory provisions, I do not doubt. In such instances, you will, of course, find it necessary to depart from the plan just suggested.

The Territorial Auditor, being required to bring his report down to the 31st day of December, it has been impossible for him to perform the labor necessary to its preparation in time to be transmitted herewith. From a condensed statement furnished me, however, I have learned the entire indebtedness of the Territory upon all accounts, is \$96,143.58, while its resources from taxes, due and unpaid, from various counties, amount to about \$104,000, leaving an excess of assets above liabilities of about \$8,000. But, of the amount thus due, it is not probable over \$30,000 can ever be collected, without some special and direct action taken for the express purpose. Of the amount of indebtedness as just shown, \$88,788.44 is on account of unpaid warrants outstanding, leaving

\$7,655.14 for which warrants have not been issued. The whole amount of warrants issued upon the Treasury, during the year 1860, was \$41,234.14, while the whole amount of revenue paid in for the same time, was but \$3,197.33. In this we have, probably, as sad a commentary upon the disastrous effects of the late drouth upon the agricultural and other interests of the Territory, as could possibly be given.

Owing to the failure, on the part of a large majority of the counties, to transmit abstracts of taxable property to the Territorial Board of Equalization, until a very late day, no Territorial taxes were levied up to within a few weeks, and, as yet, no part so levied has been paid in; thus, no revenue has been received since 1858. The amount of taxable property of the thirty counties from which abstracts were received, is \$27,063,688.52. As those counties failing to furnish abstracts have been but recently organized, it is not probable that the whole amount of taxable property in the Territory will exceed \$28,000,000. Of the amount ascertained, as above, in the thirty counties furnishing abstracts, \$21,949,846.25 is real; the balance, \$5,113,840.27, is personal property. The whole number of acres of land, subject to taxation, in the above thirty counties, is 3,878,660, the average valuation per acre of which is \$4.28. The whole number of town lots, in these counties, is 135,328—more than two for every inhabitant! May not a reasonable apprehension be entertained, unless something be soon done to stop this mania for town speculation, that there will, ere long, be no lands left for farms, in the Territory? The average valuation of these lots is \$41.68—the aggregate, \$5,640,471.04. Thus, it will be seen, town lots are already worth more than one-fourth as much as are all the farming lands pre-empted—probably, worth more than twice as much as the acres under actual cultivation. This is no healthy condition of affairs, and our people must expect to remain poor until they learn to depend more upon their “muscle,” and less upon their speculative wits.

The whole amount of taxes levied for the years 1859 and 1860 was \$81,188.13. Of taxes levied for former years, there remains still uncollected, some \$23,000. As it is hardly probable any considerable portion of these unpaid taxes can be collected, prior to the admission of the Territory as a State, it becomes a matter of importance to determine some means by which this indebtedness can be liquidated. So soon as we shall have become a State, there will be a vast amount of land donated for public use. Would it not be well for you, by some appropriate method, to recommend to the first State Legislature the graduation of these lands, and the passage of an act authorizing the receipt of Territorial obligations at par, in payment therefor.

By the laws of 1860, provision was made for the organization of a number of new counties, which were not, through some oversight on the part of your predecessors, attached to any Representative or Council District. Unwilling to allow them to be thus deprived of that most valuable

of all rights, a representation in the laws by which they were to be governed, I assumed the responsibility, (in the discharge of the duty imposed on me as Secretary, of issuing notices of the late election to the sheriffs of the various counties,) of uniting each of such counties to such Representative Districts, as to me, seemed most convenient and appropriate. To give validity to that action, your confirmation will be necessary; and to avoid further inconvenience, I would urge the early passage of a law definitely assigning these counties to proper Representative, Council and Judicial Districts. Reference to the laws of the last Legislative Assembly will obviate the necessity of a special enumeration of the counties requiring your attention herein.

That you may find it necessary to make some alterations in the present system of County and Township Organization is quite probable; but it is believed the provisions of the law of last winter, on this subject, are, with slight exceptions, as well adapted to the condition and requirements of the Territory as any that could be possibly devised.

In his able message to the last Legislative Assembly, Governor Medary, after pointing out many of its objectionable features, took occasion to advise the total repeal of the registry provisions of the election law. Fully concurring with him in the objections urged to this part, and persuaded of its imperfections in many other particulars, I am induced to go further, and recommend to your honorable body the repeal of the entire law, and the substitution, in its stead, of one less complicated and more liberal in its character. The elective franchise is a right too sacred to be, as it is with us at present, fettered and environed with the complicated network of a cumbrous formula. Near the close of the last Session, an act, designed as a substitute for the present one, was hurried through the House and Council; but, owing to its embodying most of the objectionable features of the existing law, the Executive sanction was wisely withheld, and the bill defeated. In the enactment of a new law on this subject, great care should be taken to define, in the most distinct manner, the tribunals to be charged with the duty of canvassing the county votes, and to prescribe, in the plainest possible terms, their powers and obligations. As the matter now stands, it is difficult, if, indeed, not entirely impossible, to determine to what authority this duty properly pertains. While in some counties the work of canvassing has been conducted by the Boards of County Commissioners, in others, it has been performed by the Township Trustees; resulting, very naturally, in many instances, in most serious confusion. This subject is of great importance. It demands, and, I feel assured, will receive your prompt and careful attention.

Though the Educational system of the Territory fails, in many respects, to meet my approbation, still, in view of the probability of our soon changing our present for a State form of Government, I do not feel at liberty to recommend any very general change. The report of the Superintendent not having been, as yet, submitted, I can give no very satis-

factory statement of the condition of the Common Schools. From a brief synopsis, however, received from him, it appears that considerable progress has been made, during the past year, in organizing school districts, building school-houses, securing the services of efficient teachers, and in establishing uniformity in the use of proper text-books. The assurance of the Superintendent that "Kansas has taken a position in favor of the advancing and elevating educational sentiment of the age from which she can never retreat," will be received with gratitude by the friends of this truly noble cause. Assuring you that my co-operation shall be cheerfully rendered, in any manner in which it can be of service in assisting you, in advancing still further the glorious standard the Territory has already so honorably achieved, you are referred to the report of the Superintendent, which will be laid before you at an early day, for any further information you may desire on this subject.

It is frequently being complained that the fees of officers, as established by the last Legislature are exorbitant. Whether any alteration in this respect is advisable I leave entirely to your better judgment.

There exists a statute passed during the session of 1859, entitled "An Act to restrain Dram Shops and Taverns, and Regulate the Sale of Intoxicating Liquors," intended no doubt, and by some prevalent hallucination generally supposed, to be favorable to the suppression of the unlicensed sale of intoxicating liquors; its real effect, however, inasmuch as it has been found so vague and contradictory in its terms as to render a conviction under it impossible, is to leave the traffic entirely unrestrained. If, in your opinion, the interests of society demand a license law at all, you can better meet that requirement, by the passage of an entire new Act, than by attempting, by amendment or otherwise, to render the present one intelligible. If, on the contrary, you believe the innate morality of the people is such as to obviate the necessity of any restraint in this respect, you will, at least, vindicate the reputation of the Territory for intelligence, by sweeping this present mockery from the statute book.

The magnificent mineral resources of the far western portion of the Territory, form no longer a matter of speculation or of doubt. Lured by its golden promises of wealth to be speedily amassed, a community of forty thousand, eminent for honesty, industry, virtue and intelligence, have gathered there, determined with vigorous effort to wring from the rugged mountains their buried treasures. In justice, then, to them, some thorough system should be devised for the formation of this country into appropriate county, township and municipal organizations, with governmental and judicial provisions adequate to their necessities.

During the month of November last, there occurred in the counties of Linn and Bourbon, disturbances alike destructive of the peace, and disgraceful to the reputation of the Territory. An organization, having for its object the exercise of an unlawful censorship over the actions of the inhabitants of that portion of the Territory, and the infliction, for

conceived offenses, of such punishment as themselves should dictate, with threats of violence, intimidated officers in the discharge of judicial duty, caused families to fly in terror from their homes, spread consternation through the community, and, in armed bodies, seized and put to death citizens innocent of any established offense; thus, in every instance outraging law, and in the last, rendering themselves guilty of what your statutes denominate murder. Prompt, and as efficient steps as possible, were taken to restore order, resulting in the present partial peace and quiet of the community. The past, however, gives little promise for the future. Among these restless spirits disturbances have been of so frequent occurrence that law and government are become but objects of derision, and unless some step be taken for the enforcement of the one, and the vindication of the other, this fair portion of the Territory will soon present the saddest spectacle of anarchy run riot.

Never, since the organization of society into civilized governments, did a legislative body assemble under circumstances of deeper gloom, than those surrounding you. The hearts of the people over whose interests it is your honorable charge to watch, have been saddened with a most severe affliction. But just recovered from the sport of faction, and the scourge of strife, Kansas now suffers from one of the most trying dispensations, ever, by a gracious, though a chastening God, imposed on any people. By a drouth unprecedented in the annals of this continent, if not, indeed, unparalleled in the history of the world, this fair Eden of our adoption, the fertile soil of which has heretofore been wont so bounteously to bless, with rich returns, the labors of the husbandmen, has been transformed to a barren waste of furrowed fields. Depending as they do, entirely upon their agricultural resources for subsistence, by the total failure of all crops in many of the interior counties, large numbers of our fellow citizens have been reduced to the last extremity of need. Yet, though through all the lingering months of the last weary year the heavens have hung as brass above us—though the “early and the latter rains” have been withheld, and the harvest been made all profitless to follow seed-time, nevertheless His loving kindness He has not utterly taken from us nor has He suffered His faithfulness to fail; for He has inclined the ears of our brethren in States with an abundance blessed, to hearken unto the story of our necessities, and even now the avenues of transportation are crowded with the offerings of their unstinted liberality. Indeed, our condition has awakened, throughout the land, a very general sympathy. Individuals and communities seem emulating each other in the work of our alleviation, and the President of the United States, in addition to a very liberal private donation, has, with characteristic benevolence and solicitude for the welfare of the people of every section of the country, recommended to Congress the propriety of taking such action in our behalf, as may be constitutional, and adequate to our relief. To those who have so materially befriended us, an expression from you of the grateful sentiment of the Territory, is due, and will I doubt not be appropriately given.

The last Legislature passed, the objections of the Governor to the contrary notwithstanding, "An Act to Prohibit Slavery in Kansas." By it, slavery and involuntary servitude, except for crimes, &c., were "forever prohibited." If, at the time of its passage, the right of property in slaves legally existed—and it is generally conceded it did—the act is clearly unconstitutional; for, in such case, it seeks to immediately destroy a legally existing right of property, without rendering a just compensation therefor. If, on the other hand, no such right existed, then, the act was and is unnecessary. But, waiving all other reasons, I earnestly recommend the repeal of this law because it forms an obstacle to the adjustment of the unhappy differences with which the country is now distracted. Could a weightier consideration operate to influence you to meet this appeal with a favorable response?

For years have thick growing clouds been darkly gathering round the destiny of our country, until at length, with lurid lightning flashes and deep thunder detonations, the storm, wildly terrific, has burst upon us. So long as fraternal sentiments prevailed among the States, the Republic was prosperous—the people happy. But now, all is changed. Where Peace prevailed, now Discord reigns. The northern States, with one or two exceptions, have declared that "a house divided against itself cannot stand"—that the Union, consisting of part free and part slave States, though now so divided, is not to fall, but is to be made harmonious, by the termination of an existing irrepressible conflict, in either rendering the States all free, or extending slavery over all; and on these propositions have triumphantly elected a President pledged to "render the States all free." What wonder, then, the South should feel alarmed for the safety of her institutions, and seek to strengthen herself for purposes of defense. Refusing to accept the issue, and attempt to force her institution on unwilling States, is it to be expected she will remain united with those who have entered upon a war against her, which is to terminate only with the destruction of her most material interests? Is it not natural for her, rather, to unclasp the embrace become thus dangerous, and seek in a new organization that protection and tranquility denied to her in this. Let us not deceive ourselves. Devotedly as the South has loved the Union, it should not, it must not be expected, when its constitutional guarantees are disregarded and it transformed to a Juggernaut of oppression, hers will prove an idol worship, or that her sons, calmly lying their necks beneath, will, with bigot smile, invite the crushing of its rumbling wheels. Then let the North forego this crusade against the South—let her give an earnest of her own loyalty to the Union, by repealing all her laws in derogation of the Constitution, and referring the question of the right of parties to carry slaves into the common Territories, to the determination of the courts, the only *constitutional* arbiters, let her strive by an honest, earnest, sincere effort, to restore that good fellowship and secure reliance on each others faith that characterized the earlier history of the Confederacy.

Having thus herself conformed to the requirements of the Constitution and the laws, she can, confident of the justice of her position, require of the South, in the name of a common ancestry, an observance, in strictest faith, of every Federal obligation.

But, if nothing can be done—if the worst *must* come, having been made the wand with which the magicians of Evil have aroused the elements, it may not be expected Kansas can stand an idle watcher of the storm. Intimately identified as her interests are with the perpetuity, progress and prosperity of that Union of States into which she has hoped soon to enter and take her equal place—while she could not witness a dissolution with feelings other than of deepest anguish—if God, in His wrath, shall tolerate the worst portent of this tempest of passion, now so fiercely raging—Kansas ought, and I trust will, declining identification with either branch of a contending family, tendering to each alike, the olive offering of good neighborhood, establish, under a Constitution of her own creation, a government to be separate and independent among the nations. Embracing, as she does, a combination of agricultural and mineral resources unsurpassed by any other portion of the world, hers would prove, if not the most powerful, the most prosperous government on earth.

G. M. BEEBE.

On motion of Mr. Mathias, Joint Session was dissolved.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, LECOMPTON, KANSAS, }
January 1, 1861. }

*To the Honorable, the Council and House of Representatives
of the Territory of Kansas :*

GENTLEMEN:—In accordance with the provisions of law governing this office, I herewith submit my report of the financial condition of the Treasury Department of the Territory of Kansas for the last fiscal year, ending December 31, A. D. 1860. For a statement of the condition of the Revenue, and amount of expenditures of the Territory, I respectfully refer you to accompanying exhibit A.

EXHIBIT A.

Upon examination you will perceive that the liabilities of the Territory have been reduced, since my last report, finding the assets to be \$8,056.66. This amount of assets (\$8,056.-66) would be increased, had all the counties reported the abstracts of taxable property. Brown county has not reported

the abstracts for the years 1858 and 1860. This exhibit shows that but a very small amount of revenue has been paid into the Treasury, during the present year, amounting only to \$3,197.33. This is easily accounted for. No Territorial taxes have been levied since the year 1858, until within a short time (November last) and of which no part has been paid into the Treasury.

EXHIBIT B.

It will be found, from exhibit B, that the whole amount of revenue paid into the Treasury, for the year 1860, is \$3,197.33, and the amount of warrants issued upon the Treasury, for the same time, is \$41,234.14.

RECAPITULATION.

Showing the condition of the Territorial Treasury, December 31, 1860, including all transactions previous.

Upon examination, it will be found that the whole amount of revenue paid into the Territorial Treasury, up to the present time, amounts to the sum of \$35,617.48.

The whole amount of warrants issued by the Auditor is \$124,962.28. The outstanding (unpaid) warrants amount to \$89,344.80, ($\$124,962.28 - \$35,617.48 = \$89,344.80$).

EXHIBIT C.

Showing the actual indebtedness of the Territory, upon all accounts, December 31, 1860, without considering resources.

Upon examination of this exhibit, it will be found that the Territorial debt is gradually increasing, from year to year, until it has reached the sum of \$99,170.98.

This is no flattering commentary upon the economical administration of a Territorial Government; it is certainly time to consider the means of liquidating our indebtedness. Of this amount, \$99,170.98, the greater part was incurred as Legislative Expenses (although the United States makes annual appropriations to pay the ordinary expenses) and expenses of Constitutional Conventions.

The Legislative expenses of last winter amounted to over eight thousand dollars, over and above what the General Government paid, yet I know that many members of that assembly, with commendable zeal for the good of the Territory, endeavored to lessen the Legislative expenses. The Legislature could possibly lessen the number of clerks, and also their compensation, yet be able to discharge the ordinary duties of Legislation. The clerks and attachees have, heretofore, received about double the amount, per diem, the *members* of the Legislature have.

The Territorial debt could be (without being a burden upon the people) liquidated by annually levying a small Territorial

tax, and the *prompt collection*. The postponement of the collection of taxes has had a very bad effect, and has, heretofore, resulted in no good to the resident tax payers, as I am informed, by the collectors, that the poorer classes pay their taxes more promptly, in order to avoid the payment of the per centage for delinquency, but the speculator, the capitalist and non-resident delay paying as long as possible, or if, having failed, and incurred the penalty, (ten per cent. added to their tax,) they seek relief at your hands, to grant which is an injustice to those who have paid, and but little encouragement given, in future, for prompt payment of taxes. I am informed that it is the experience of every tax collector in the Territory, that the bona fide residents are always the most willing to pay their taxes, while the speculators and non-residents are the most reluctant.

To collect the taxes only transfers the money of the residents, *one to another*, but of the non-residents, it *brings the money from abroad into our midst*, thus improving our financial condition.

A postponement of taxes will keep out of the country the *amount of taxes* paid by non-residents; will so depreciate the credit of the counties and Territory, that the effect will be more disastrous than the rigid enforcement of the revenue laws.

Several counties failed to levy the Territorial tax for the year 1860. A law ought to be passed requiring the county Clerk, or county Treasurer, to apportion the Territorial tax, as certified by the Secretary of the Territory, by the first day of March, and be collected as other taxes. The counties of Leavenworth and Douglas have failed to levy this tax; these counties failed to levy the Territorial tax because the certificate of the amount, from the Secretary of the Territory, (the occasion of the delay is explained by report of the proceeding of the Territorial Board of Equalization, herewith transmitted,) did not reach the counties at the required time.

The counties are the oldest organized, the wealthiest and the most populous in the Territory; and common justice to the other counties require that the Territorial taxes shall be levied in these counties, as well as all others failing to do so, by a special act.

EXHIBIT D.

Showing Sundry Accounts filed in this Office against the Territory for which there are no Appropriations.

The account of Todd, YOUNKIN and Barry, for the sum of \$524.00 was incurred under the provisions of the law, locating certain Territorial Roads, passed by the Legislative Assembly '59. These gentlemen were appointed Commissioners and performed the duty required of them; but before they presented their ac-

counts in proper shape, the "Road Fund" was suspended by an act of the last Legislature. (See Chap. VII.) You will also notice an account for "keeping State prisoners." I think the best policy would be, to require each county to pay for the judicial expenses of all criminal prosecutions arising or tried within her border; but, if you should think otherwise, some additional legislation will be necessary to authorize the Auditor to audit the accounts.

EXHIBIT E.

Shows the Balance due from the Counties of the Territory, including amounts due from some of the Counties for Taxes of '55, '56, '57 and also for the year 1858.

In regard to the taxes of '55, '56, and '57, I would recommend the passage of a law, releasing the counties from the further payment.

The delinquent taxes of '58 are in very unsatisfactory shape, mainly assumed by the counties. I would recommend that the Territorial Board of Equalization be authorized to add the delinquent taxes of 1858, remaining unpaid, of each county, to the amount required by law to be raised for Territorial purposes for the year 1861. Some of the counties have paid the whole amount of Territorial tax of 1858, whilst on the other hand other counties Jefferson, Bourbon and Anderson never levied any Territorial tax. "Equal and exact justice" would be for all to collect the tax levied by the Territory. For the purpose of giving information concerning the condition of the delinquent taxes, I have prepared in detail a statement of each county in arrears, for taxes levied previous to the years 1859 and '60. I have used every effort to get a correct statement from the county officers in relation to the delinquencies of their respective counties; have visited some of the counties and examined the records, but am convinced that it will be impossible to collect the delinquent taxes of '55, '56 and '57; and whilst the taxes of '58 might possibly be collected, yet the most practicable way is, to collect, by additional levy heretofore mentioned, and authorize the county to retain the delinquent when redeemed.

Upon examination of the laws of '58 and also 1860, it will be found that no provision for delinquent Territorial tax has been made, but they provide that the whole amount of Territorial taxes shall be paid, the law providing that the county for the deficiency shall have relief from the delinquent list.

EXHIBIT F.

Shows the General and Special Appropriations for the year 1860, the Amount paid in Pursuance of the same, and the Balance unexpended.

It will be found that I have not exceeded the appropriation in any case.

County Treasurers are required to pay into the Treasury, in gold or silver coin or Territorial warrants, collected by them, the Territorial taxes. The law should be amended so as to be unmistakable. I understand the law to mean, that the County Treasurers shall pay into the Treasury all the gold or silver he collects for taxes, and shall pay all the Territorial warrants he collects for taxes. This would prevent the County Treasurer from speculating in Territorial warrants, which the Legislature, I presume, does not wish to license. The law provides that the Auditor shall administer an oath to the collector, before giving him a credit upon the books of his office, "that he (Collector) has not used or appropriated any of the public money for his private use or benefit, nor for the benefit of any other person." I would recommend the repeal of the law providing for Duplicate warrants. The law provides, that the Auditor in certain cases shall issue Duplicate warrants, and shall give notice to the treasurer, who is required to cancel the original warrant. If the original warrant was lost, the finder can use it either in paying taxes or selling it to innocent parties; but the law provides that the original warrant shall be canceled, and the Treasurer, to comply with the law, cannot take such warrant from the Collector of taxes, and it thus becomes a loss to the Collector, who cannot know to whom Duplicate warrants have been issued. In the other case it is a loss to an innocent purchaser.

There seems to be a misunderstanding about the interest on Territorial Warrants, some of the County Treasurers having allowed ten per cent. per annum, instead of eight, which the law allows after the warrant has been presented for payment. (See law of 1859, Chap. CXXVII, Sec. 11, page 632.)

JUDICIAL EXPENSES.

The Legislature, at the last session, passed an appropriation to pay the Judicial Expenses of the 1st and 2d Judicial Districts, of the United States District Court. I see no good reason to confine the appropriation to the 1st and 2d District. Why not include also the 3d? There has been a misunderstanding between this office and the clerks of the districts, in regard to the application of the appropriation. The Clerk of the 1st District filed accounts "accruing against Territory previous to Dec. 1, '57." He also filed accounts subsequent, but claimed that the accounts, although audited in the name of the person performing the service, and warrants issued therefore, should be delivered to him. This I declined to do, believing it to be my duty to issue the warrants in the name of the person, and also deliver the warrants to them, upon surrendering the clerk's certificate. A still greater difference of opinion exists with the Clerk of the 2d District.

He demanded all the Judicial Expenses adjudged against the Territory for 2d District to be audited in favor of the clerk, and warrants issued accordingly. I declined to do so. He applied to the court and obtained a mandamus. I herewith transmit the proceedings, believing it due to myself, to give you the reason why I have not audited the Judicial Expenses, as agreed with your special committee last winter, which was to audit the accounts in favor of the persons entitled to the warrants.

(MANDAMUS.)

To the Honorable RUSH ELMORE, Associate Justice of the Supreme Court of Kansas Territory and Presiding Judge of the Second Judicial District Court of the United States in and for the Second Judicial District of Kansas Territory.

Your petitioner, Loami McArthur, Clerk of the Court aforesaid, complains of Hiram J. Strickler, Auditor of Kansas Territory, and says: That at the March Term of the District Court aforesaid A. D. 1858, a certain prosecution was instituted by indictment against Wm. H. Angler, for Grand Larceny, and in prosecution a *nolle prosequi* was entered at the term aforesaid on the indictment aforesaid, and the costs thereof adjudged against the Territory of Kansas, and which costs were duly taxed by said Clerk against the Territory of Kansas, in a regular itemized Fee Bill, and delivered to the Prosecuting Attorney of said Court, at the October Term thereof, A. D. 1858, then next succeeding the term aforesaid, and by him and the Presiding Judge examined in term time, and allowed against the Territory of Kansas, for the sum of thirteen Dollars and fifty Cents, and ordered to be certified to the Auditor of Kansas Territory for payment, as appears by their certificate on the margin of said Fee Bill. Complainant further says that ten Dollars of said Fee-Bill is due for Attorney's fees. Complainant further says, that said original Fee Bill was placed on the files of said Court, and a certified copy thereof was presented to the said Auditor for auditing and payment, and thereof payment being demanded by said Clerk, and payment thereof of the ten Dollars Attorney's fees, was then and there refused by the said Auditor. And said complainant further complains and says that he presented claims as aforesaid for witnesses and jurors, to-wit: \$6.40 for witness claims; \$7.50 for jurors claims, amounting in all to the sum of \$27.44, and asked that the same be audited and warrants drawn on the Treasury in my name, payable out of any money appropriated for judicial expenses to the said L. McArthur, Clerk of the Court aforesaid, which auditing and order for payment by the said Hiram J. Strickler, Auditor as aforesaid was refused. Therefore, complainant prays for a peremptory writ of mandamus against the said Hiram J. Strickler, Auditor as aforesaid, commanding him to audit and pay the claims aforesaid, to the said Loami McArthur, Clerk as aforesaid, as above demanded.

L. McARTHUR, Clerk.

To which petition Hiram J. Strickler, defendant, made his answer, which answer was in words and figures as follows, to-wit:

*To the Hon. RUSH ELMORE, Presiding Judge of the Second Judicial District
Kansas Territory:*

Loami McArthur, Clerk of the 2d Judicial District Court having filed certain fee bills before the Auditor, asks that warrants shall be issued for the same upon the Territorial Treasurer. The Auditor refusing to audit the accounts or fee-bills in the manner demanded, and also refusing to issue the warrants in the manner demanded, said Clerk files his complaint before your honor, asking that a mandamus shall be granted compelling the Auditor to comply with his demands. The Auditor respectfully protests for the following reasons :

The Auditor has never refused to audit the accounts or fee bills where the Territory was liable for costs, and properly certified to by the Judge and Prosecuting Attorney, (which is the evidence of the fact,) but is willing to audit said claims *in favor of the respective parties interested*; but said Clerk demands that said fee bills or accounts shall be audited in his own name, which the Auditor does decline to do.

The Auditor does not decline to issue warrants upon the Treasury for the fee bills or accounts, provided they have accrued in accordance with the provisions of the appropriation bill for Judicial Expenses passed by the last Legislature, but is willing to issue the warrants in the name of the parties, who performed the service and who are entitled to compensation; but the Auditor is not willing to issue the warrants in the name of parties, such as witnesses, jurors, &c., until the said parties shall apply for them and give receipt for the same. For it is a well known fact that a very large number of the witnesses and jurors of the Court of 1858 are not now in the Territory, and never will claim, in all probability, any compensation for said services. Neither is the Auditor willing to issue the warrants in the name of parties performing the service and (*without their receipt for said warrants*) deliver the same to the said Clerk as he demands, nor is he willing to issue warrants for "cost bills," "fee bills," &c., in the name of the Clerk, but will issue so much as he may be entitled to in his name and take his receipt therefor.

The Auditor can find no law authorizing him to audit the account and issue the warrants in the manner demanded by the said Clerk. The Clerk claims that he is the collector of fees by the law of 1855, but that law did not require the Auditor to issue the warrants; but the law seemed to contemplate that the Clerk should collect the fees of the Treasurer without any warrants from the Auditor, I respectfully refer your honor to the law governing and prescribing the duties of the Auditor, Statute 1859, the Appropriation Bill of Judicial Expenses, also an Act entitled "An Act for the payment of costs in certain cases, and for other purposes." This act appropriates money to pay witnesses and bailiffs in District Courts, also Recorders' Courts. Sec. 3rd provides : The Territorial Auditor is hereby authorized and required to draw warrants upon Territorial Treasurer for said costs and fees *in favor of the persons entitled to receive the same*, upon the certificate of the Clerk of said Courts or said Recorder, as the case may be; and such certificate shall be a sufficient warrant to the Auditor for the allowance of the amount therein specified.

Very respectfully submitted,

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
March 16, 1860.

McARTHUR
vs.
 STRICKLER, Auditor. } *Motion for Mandamus.*

The laws for 1855, as well as the laws of 1859, page 227, sections 223, 224 and 225, make it the duty of the Prosecuting Attorney and Judge to examine and certify the fee bills of the Clerk. It is also made the duty of the Clerk to collect the fees so certified. Previous to the passage of the act appropriating money to defray the Judicial Expenses of Kansas, approved February 27th, 1860, on the presentation of the fee bills, so approved, the duty of the Auditor was to give a certificate and report the same to the next Legislature. The last act making appropriations, renders the duty of the Auditor plain;—he must draw his warrants on the Treasurer, for the amount so certified by the Attorney and Judge, in favor of the Clerk. Such is unquestionably the law and I cannot look behind it. It is made the duty of the Clerk to collect the costs, and pay the same over to the parties, whenever they call for it. It may be an oversight of the Legislature, and the beneficiaries may never call for it, but that does not alter or change the law. The Territory is indebted to those parties and prepares the way to pay them, to wit: through the Clerk.

The act, approved February 25, 1860, has nothing to do with the case at bar. The Auditor will, therefore, issue his warrant to Loami McArthur, Clerk of the District Court of the 2nd Judicial District, on his producing and filing a certified copy, or copies, of the fees, as allowed by the Judge and Prosecuting Attorney, if accrued since the year 1857.

Done at Chambers, this the 16th day of March, 1860.

RUSH ELMORE, Judge.

And be it remembered that, at the March adjourned May term of the District Court of the United States within and for the Second Judicial District of Kansas Territory, begun and held at the Court House at Le-compton, in said District, on and from the 28th day of May, A. D. 1860, and that on the 6th day of June, at the term aforesaid, were had, among other things, the following proceedings, to wit:

L. McARTHUR, Clerk, &c.,
vs.
 HIRAM J. STRICKLER, Auditor. } *Mandamus.*

And now comes L. McArthur, in his own proper person, and said Hiram J. Strickler, Auditor of Kansas Territory, having answered the petition of said L. McArthur, Clerk of the District Court of the United States, within and for the Second Judicial District of Kansas Territory, herein, against him, and by consent of parties this cause comes in to be heard, herein, and upon the proofs and allegations submitted and the argument had and being considered by the Court, it is ordered that the Auditor will, therefore, issue his warrants to Loami McArthur, Clerk of the District Court of the Second Judicial District, on his producing and filing a certified copy or copies of the fees, as allowed by the Judge and Prosecuting Attorney of this Court, or of any county in said District, if they accrued since the year A. D. 1857.

I, L. McArthur, Clerk of the Court aforesaid, do certify that the above and foregoing is a true copy, and perfect transcript, of the original, as the same now remains on file and of record in my office.

Witness my hand, with the seal of said Court affixed, at my office, this 19th day of June, 1860.

LOAMI McARTHUR,

Clerk.

By H. McARTHUR, Deputy.

LECOMPTON, K. T., }
 July 24, 1860. }

HON. RUSH ELMORE, Tecumseh, K. T.—*Dear Sir*:—I have to advise you that information has been received, at this office, to the effect that certain counties have paid expenses that were adjudged against the Territory in criminal cases. The County Clerk of Franklin county advises me of that fact. I learn, from Mr. L. McArthur, that the counties of Jackson, Lykins, Shawnee and Douglas have paid part of the same. The counties are making application to be reimbursed. Mr. McArthur, Clerk of District Court, informs me that he will present the accounts for settlement, at this office, as though no payment had been made by the counties, such payment being illegal. As the mandamus stands against me I shall be compelled to issue the warrants, as you decided, unless withdrawn. I ask to be advised whether the county Prosecuting Attorney's certificate, with the District Judge's signature, is a sufficient voucher for me to admit the accounts. Some of the fee bills are certified to by the U. S. District Attorney, or deputy, and some by the Prosecuting Attorney of the several counties, you having used, in the mandamus, the language, viz.: "Attorneys of this Court." The Clerk of the Second Judicial District Court has not filed all his fee bills and Accounts vs. Territory, that have accrued since Jan. 1st, 1858, until June, 1859. I have declined to audit, unless all are presented, for the reason the Clerk has had time to file them (June 1st, 1859) and, unless such a course is adopted, there is a possibility of a fee bill being audited and allowed twice; for, in such a mass of papers, the Clerk may, by accident, file two or three copies of the same fee bill, and it is impossible for the Auditor, unless examined at the same time, to distinguish or remember what had or had not been audited.

Respectfully,

H. J. STRICKLER.

(Official.)

TECUMSEH, July 25, 1860.

HON. H. J. STRICKLER—*Dear Sir*:—In reply to yours of the 24th inst., I have to say that the Territorial Laws point out a specific way for the payment of expenses of criminal prosecutions, in those cases where in the Territory of Kansas is liable for the expenses. Payments made by other parties not the Territory at their own volition, under no provisions of law, are not in law a satisfaction of the demand, and the parties paying would be compelled to look to the parties receiving for a reimbursement of the amount so paid. Justice and equity would say that where a party has received pay once, they would have no right to receive it again, and that where counties have paid these liabilities, the parties who receive such pay, transferred their accounts against the Territory to their respective counties. It results from this then, that those counties which have in part or in whole paid these expenses, should be credited each one with the amount so paid; thus creating an indebtedness in favor of these counties against the Territory. If this is not done, I do not see how the payment by the Territory to the Clerk can be prevented. Future legislation will be necessary to give validity and force to this arrangement. Of course the amount so paid by the various counties will be deducted from the particular fee bills, whereon they have been paid. This will give the Auditor much trouble and labor, but I conceive it to be absolutely necessary to protect the pecuniary interests of the Territory and the various counties.

These payments not having been made by the request or application of the Clerk, but by the volition of the counties, themselves exhibiting a zeal and energy in the discharge of their public duties, which if confined within their proper sphere would have entitled them to much credit and commendation. Wherever the fee bills are certified to by the Judge, U. S. District Attorney or Deputy or by the Prosecuting Attorney, I conceive it to be all sufficient. I do not think that the Auditor has the right to require all of the fee bills which have accrued since Jan. 1858 or June '59 at one time. I think the Auditor would be required to issue his warrants as the fee bills are separately presented to him for consideration, while convenience and a prompt dispatch of business would certainly suggest the propriety of the Clerk presenting the bills of each of the counties separately and all from each county at the same time. This would certainly expedite business and render the duties of the Auditor much less arduous. I have no reasons to doubt but that the Clerk will pursue this course. It is certainly possible that, through mistake, carelessness or otherwise (though I hardly think this probable) that a fee-bill may be made out more than once and presented to the Auditor for allowance; but the Auditor must guard against this by a careful and accurate examination of each separate fee bill, the Clerk rendering all assistance in his power. I believe I have answered all of the suggestions contained in your communication.

Respectfully yours,

RUSH ELMORE,
Judge.

It may be proper to state that I have audited, in favor of the Clerk of the Second Judicial District, the judicial expenses adjudged against the Territory (and not paid by the county) in Jackson county, September Term, 1858, for \$524.17 and Coffey county for the March Term, 1859, for \$455.29. He has filed a number of fee bills for costs in Shawnee county. Being filed too late to include in this report, I have not audited them.

I herewith transmit a copy of the proceedings of the Territorial Board of Equalization, with a recapitulation showing the total number of acres of land in each county, the average value of land as reported by county Clerk, average value of land per acre as fixed by the Board, total value of real estate in each county, total value of real and personal property, amount of Territorial tax to be raised in each county.

Considering the difficulties to which the Board were subjected, I think you will find the equalization as equitable as could be expected. Upon examination you will find that, although the Board did not have all the abstracts from the counties before them, yet the average value per acre, as fixed by the Board, only differs five mills upon the acre with the average value per acre as reported by the county clerks, the former being \$4.28 1-2 and

the latter \$4.28. You will find upon examination that the laws should be amended governing the Board.

These are the most important suggestions that occur to me at this time; and, if favorably considered by your Honorable Body, I trust will prove in the end for the good, (as I ardently desire,) of the people of Kansas.

Very respectfully submitted,

H. J. STRICKLER,
Auditor.

EXHIBIT A.

General Account, Kansas Territory, showing expenditures and resources for the fiscal year, ending Dec. 31st, 1860 :

1860.	KANSAS TERRITORY.	Dr.
Jan. 1.	To bal. per Auditor's Rep., Dec. 31, 1859,	32,117.86
Dec. 31.	Claim Commissioners and expenses,	4,337.25
"	Legislative expenses for the year 1859,	1,691.65
"	Legislative and Leav. Convention Ex.,	427.00
"	Legislative expenses for the year 1860,	5,995.00
"	John Kendall interest all'd by Legislat'e,	75.00
"	Special Relief Appropriations, 1860,	5,763.35
"	Commiss'rs investigate election frauds,	254.50
"	Sundries, (Aud'r's and Treas'r's acct's,)	3,200.00
"	Librarian, and office rent,	200.00
"	Incidental Expenses,	250.00
"	Collect'ns and settlem't of delinq't taxes,	500.00
"	Wyandott Constitutional Convention,	10,640.72
"	Judicial expenses January term of the U. S. Dist. Court held at Lawrence,	85.50
"	Recorder's Court, Leavenworth city,	446.95
"	Judicial expenses Leav. county, First District Court, Aug. Term, 1858,	809.93
"	Pay jurors, witnesses and bailiffs, Aug. Term Leav. county First Dist. Court,	442.45
"	Pay jurors, witnesses and bailiffs, Aug. Term Atchison Co. First Dist. Court,	418.88
"	L. McArthur, clerk 2nd Dist., Sept. Term, 1858, Jackson county,	524.17
"	L. McArthur, clerk 2nd Dist., March Term, 1859, Coffey county,	455.29
"	Supt. Common Schools,	1,230.50
"	S. W. Greer, Supt. Common Schools,	1,850.00

EXHIBIT A—Continued.

Dec. 31.	To Expenses incurred under provisions of Law since '57,	1,534.20
"	Contingent expenses for 1859 and 1861,	604.89
"	Johnson county,	435.55
"	Pottawattamie county,	177.90
"	Shawnee county,	1,016.61
"	Doniphan county,	243.76
"	Breckinridge county,	26.80
"	Franklin county,	655.83
"	Brown county, (error in assessment, '56)	284.18
"	Coffey county,	732.00
"	Jackson county, (double assessment,)	1,100.90
"	Atchison county, (delinquent tax, '56,)	276.53
"	Madison county,	116.95
"	Balance, (assets,)	8,056.66
		\$86,978.07

1860.

Cr.

Dec. 31.	By	Treas. revenue pd, (warrants red'med)	3,197.33
"		Shawnee county assessment for 1858,	1,322.57
"		Pottawattamie " "	371.28
"		Madison " "	116.95
"		Riley " "	674.35
"		Johnson (Peddler's license, 1857,)	76.00
"		Atchison (dram shop " ")	31.46
"		Leav. county assessment 1859 and '60,	15,752.67
"		Douglas " "	7,468.63
"		Doniphan " "	6,119.08
"		Lykins " "	3,978.12
"		Jefferson " "	3,571.33
"		Coffey " "	2,638.97
"		Nemaha " "	2,586.77
"		Wyandott " "	2,465.13
"		Jackson " "	2,400.40
"		Breckinridge " "	2,340.04
"		Franklin " "	2,068.57
"		Anderson " "	2,053.86
"		Osage " "	1,570.65
"		Marshall " "	1,055.50
"		Pottawattamie " "	980.21
"		Bourbon " "	945.79
"		Wabaunsee " "	838.08
"		Madison " "	701.68
"		Riley " "	568.64

EXHIBIT A—Continued.

Dec. 31.	By Allen	"	"	547.78
"	Chase	"	"	384.51
"	Woodson	"	"	322.32
"	Morris	"	"	259.13
"	Shawnee	"	"	3,689.45
"	Atchison	"	"	9,274.87
"	Clay	"	"	39.87
"	Dickinson	"	"	254.00
"	Davis	"	"	782.37
"	Johnson	"	"	3,439.54
"	Linn	"	"	2,090.77

\$86,978.07

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T., }
Dec. 31, 1860. }

EXHIBIT B.

Showing the condition of the Territorial Treasury, Dec. 31st, 1860, including all transactions previous to Jan. 1st, 1861.

1860.	TREASURER OF KANSAS.	Dr.
Dec. 31.	To Johnson county, revenue paid,	312.80
"	Linn " " " " "	143.61
"	Pottawattamie "	177.90
"	Shawnee "	989.93
"	Doniphan "	200.00
"	Breckinridge "	26.80
"	Franklin "	655.83
"	Coffey "	732.00
"	Madison "	112.07
"	- Balance, (warrants outstanding)	89,344.80
		\$92,685.74

1860.		Cr.
Dec. 21.	By bal. per Report, Dec. 31, 1859,	51,451.60
"	Warrants issued during the year 1860,	41,231.14
		\$92,685.74

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T., }
Dec. 31, 1860. }

RECAPITULATION.

Showing the amount of revenue paid into the Treasury, and the whole amount of warrants issued, and the amount unpaid:

1860.	TREASURER OF KANSAS,	DR.
Dec. 31.	To am't revenue paid in the Treasury, 1856,	\$1,811.88
"	" " " 1857,	3,239.48
"	" " " 1858,	681 12
"	" " " 1859,	26,544 06
"	" " " 1860,	3,197.53
"	" [omitted,] 1857,	143.61
"	Balance, warrants outstanding and unpaid to date,	89,344.80
		\$124,962.28

1860.	TREASURER OF KANSAS,	CR.
Dec. 31.	By amount warrants issued, Feb. 1, 1857,	\$5,211.48
"	" " Jan. 1, 1858,	11,604.47
"	" " Jan. 1, 1859,	4,502.93
"	" " Jan. 1, 1860,	64,409.26
"	" " to Jan. 1, 1861,	41,234.14
		\$124,962.28

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, TERRITORY OF K. T., }
December 31, 1860. }

JOURNAL OF

EXHIBIT C.

Showing the actual indebtedness, on all accounts, Dec. 31, 1860, without considering resources :

KANSAS TERRITORY,	Dr.
To indebtedness to Jan. 1, 1859,	\$23,704.08
“ Audited debts for the year 1859,	36,927.09
“ Warrants issued and unpaid during year 1860,	36,689.81
“ S. W. Greer, Supt. Com. Schools, “ 1860,	1850.00
	\$99,170.98
	H. J. SRICKLER,
	Auditor.

AUDITOR'S OFFICE, Lecompton, K. T., }
December 31, 1860. }

EXHIBIT D.

Sundry accounts filed in the Auditor's Office, for which there is no appropriation.

Joel E. Giles, services in bearing requisition to the Governor of Indiana,	\$378.99
Todd, Younkin & Barry, Com. to locate Territorial road,	524.50
John T. Pigett, warrant book for Auditor's office, 1857,	12.00
John Woolman, establishing election precincts,	50.00
Pat Cosgrove, boarding "State prisoners,"	155.40
G. W. Brown, Herald of Freedom, for Legislature, 1859,	28.00
Mrs. C. I. H. Nichols, Ass't Clerk of H. of R., 1860,	75.00
Rev. S. Y. Lum, services as Chaplain, Legislature 1857,	44.00
A. J. Mead, furniture for District Recorder's Office,	70.00

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, Lecompton, K. T., }
December 31, 1860. }

EXHIBIT E.

Showing the balance due from sundry counties, on account of taxes assessed to date.

Dec. 31. 1860.	Johnson county,	\$5,063.12
"	Pottawattamie,	1,173.59
"	Shawnee,	3,996.01
"	Doniphan,	8,352.92
"	Breckinridge,	2,524.43
"	Leavenworth,	24,776.91
"	Douglas,	10,985.03
"	Lykins,	4,983.91
"	Jefferson,	6,469.35
"	Coffey,	1,906.97
"	Nemaha,	2,652.67
"	Wyandott,	2,465.13
"	Jackson,	3,072.36
"	Franklin,	2,287.37
"	Anderson,	2,734.18
"	Osage,	1,570.65
"	Marshall,	1,055.50
"	Bourbon,	1,390.64
"	Wabaunsee,	838.08
"	Madison,	701.68
"	Riley,	1,009.72
"	Allen,	347.78
"	Chase,	384.51
"	Woodson,	322.32
"	Morris,	258.13
"	Atchison,	10,895.08
"	Clay,	39.87
"	Dickinson,	254.00
"	Davis,	782.37
"	Linn,	2,430.62
		\$105,825.90

H. J. STRICKLER,
Auditor.

AUDITOR'S OFFICE, Leocompton, K. T., }
December 31, 1860. }

EXHIBIT F.*General Appropriation, 1860, showing amount paid and balance unexpended :*

GENERAL APPROPRIATIONS.	<i>Appropriations.</i>	<i>Expended.</i>	<i>Balance.</i>
Dec. 31, 1860.			
For Wyandott Const'l Con.,	\$13,000.00	10,640.70	2,359.30
Pay't of Leg. Ex. 1859,	3,000.00	1,693.45	1,306.55
Leg. Ex. for year 1860,	6,000.00	5,995.00	5.00
Chas. F. Kob, pub. Proc. of Governor,	124.00	124.00	
Conting't Ex., election no- tices, &c., 1859 and '60,	5,000.00	604.89	
D. Auld, taking census '58,	50.00	50.00	
Huson & Blacklidge, boarding convict,	35.00	35.00	
Salary of Auditor and office rent,	1,600.00	1,600.00	
Salary of Treasurer and office rent,	1,600.00	1,600.00	
Salary of Librarian and rent of room,	200.00	200.00	
G. W. Brown, printing school law,	160.00	160.00	
Incidental expenses Au- ditor's office,	250.00	250.00	
Wm. McKay, Attorney Claim Comm'rs,	1,000.00	1,000.00	
Collection and settlement delinquent taxes,	500.00	500.00	
Geo. Ford, room rent and goods for Legislature,	500.00	500.00	
Incid'l Ex. Aud'rs office for y'rs '57, '8 and '9,	383.00	383.00	
Comm'r to audit claims and expenses,	300.00	300.00	
R. S. Newall & Peters, pub. Gov. proc. &c.,	50.00	50.00	
Sam'l A. Medary, pub. Gov. proc.,	60.00	60.00	
W. H. Gill & Co., pub. Gov. proc.	118.00	118.00	
Cummings & Shepherd, pub. Gov. proc.	60.00	60.00	
S. N. Wood, pub. Gov. proc.	75.00	75.00	

EXHIBIT F—*Continued.*

P. S. Post, pub. Gov. proc.	103.51	103.51
J. W. Biggers, pub. Gov. proc.	80.00	80.00
J. T. Hinton, pub. Gov. proc.	85.00	85.00
Ex. incurred under pro- vision of law,	3,000.00	

SPECIAL APPROPRIATIONS.

For Pay't of costs, Leav. Co.,	1,726.95	1,689.33	25.62
“ “ Atchison	418.88	418.88	
“ “ 1st and 2nd Judicial Districts,	11,360.00	979.46	10,380.54
Geo. G. Pierce, services as mem. of Legislat'e,	75.00	75.00	
Hugh S. Walsh, Ex. inc'd,	250.00	250.00	
Moulton G. Farnham, special messenger,	240.00	240.00	
John Kendall, special messenger,	579.00	579.00	
Frank W. Roberts, Iron Safes,	1,383.00	1,383.00	
George F. Warren, In- demnification,	393.50	393.50	
James R. Whitehead, acc'ts vs. Territory,	1,085.00		

H. J. STRICKLER,

Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T., }
Dec. 31, 1860. }

A DETAILED STATEMENT OF THE ACCOUNTS OF
THE SEVERAL COUNTIES IN ARREARS FOR TAXES
LEVIED PREVIOUS TO 1860.

LEAVENWORTH COUNTY,				DR.
1855.	Territorial Tax for year 1855,		\$1,109 00	\$1,109 00
	CR.			
	By am't paid by Green D. Todd, tax 1855,	1,109 00		1,109 00
	DR.			
1856.	To Territorial tax, year 1856, poll included,	1,514 27		
	do do 1857,	6,620 36		8,134 63
	CR.			
	By am't paid by Green D. Todd, revenue 1856,	232 51		
Dec. 31, 1857.	do by S. P. Tunnell, rev. 1856-7,	1,153 76		
	do do 1856,	625 00		
Feb. 16, 1859.	do by W. Tholen, 1857,	11 30		
	Balance, - - - -	6,112 06		8,134 63
Jan. 1, 1858.	To balance,	6,112 06		
	To Territorial tax, year 1858,	16,226 54		22,338 60
	CR.			
Feb. 16, 1859.	By am't paid by W. Tholen, rev. 1858,	4,029 16		
July 13, 1859.	do do do do	7,467 54		
Dec. 31, 1859.	do do do do	1,543 95		
	do do do allowed as percent'ge & mileage,	273 71		
	Balance, - - - -	9,024 24		22,338 60
	To balance, - - - -	9,024 24		
Nov. 1860.	To Territorial tax, years 1859 & 1860,	15,752 67		
	Total balance, - - - -			\$24,776 91
Recapitulation.				
	To balance due on Ter. tax for 1856 & '57,	6,112 06		
	do do do 1858,	2,912 18		
				9,024 24
	To Ter. tax for years 1859 and 1860,			15,752 67
November, 1860.	Total balance, - - - -			\$24,776 91

DOUGLAS COUNTY,				DR.
1855.	To Territorial tax for year 1855,	\$264 00		264 00
	CR.			
1855.	By am't paid by Sam. J. Jones, tax of 1855,	232 00		
do	do do do	8 00		
do	do of commission on \$264 at 7 per cent.	18 48		
do	do cash to treasurer,	5 52		264 00

THE HOUSE.

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DR.			
To Territorial tax of 1857,	1,345	62	
To do do 1858,	5,519	69	6,865 31
CR.			
Nov. 15, 1859. By am't paid by W. Yates, tax '58,	3,034	05	
Dec. 31, 1859. do do do do	314	85	
Dec. 31, 1859. By balance, - -	3,516	41	6,865 31
Dec. 31, 1859. To balance delinquent tax of 1857,	1,345	62	
do do do 1858,	2,160	79	
Balance due Kansas Ter. to Jan. 1, 1859,	3,516	41	
To Territorial tax of 1859 and 1860,	7,468	63	
Nov. 8, 1860. Total balance due Kansas Territory,			\$10,985 04

DONIPHAN COUNTY,			DR.
Dec. 1855. To tax list, year 1855,	\$332	00	
Dec. 1856. To tax list, year 1856,	775	00	
Dec. 1857. To tax list, year 1857,	1,155	54	
Dec. 1858. To tax list, year 1858,	2,355	66	4,618 20
CR.			
Dec. 27, 1855. By am't paid by Carey B. Whitehead, tax 1855,	-	-	332 00
June 11, 1857. do do do 1856,	539	44	
Oct. 15, 1858 do do S. V. Jameson, tax 1857,	260	00	
Jan. 13, 1859. do do R. J. Porter, tax 1857,	28	94	
do do do 1858,	416	49	
June 3, 1859. do do do 1856,	25	13	
do do do 1857,	156	89	
do do do 1858,	425	53	
July 27, 1860. do do E. S. Davis,	200	00	
Nov. 14, 1860. By balance, - -	2,233	78	\$4,618 20
Nov. 14, 1860. To balance, - -	2,233	78	
To Territorial tax of 1859 and 1860,	6,119	08	

ATCHISON COUNTY.			DR.
To Territorial tax, year 1855, - -	\$230	00	230 00
CR. By am't tax 1855, paid by Eli C. Mason,	205	40	
By mileage and percentage allowed,	24	60	230 00
DR. To Territorial tax, year 1856,	660	68	
To Dram shop license,	31	66	692 34
CR. By am't paid by Jas. Adkins, tax 1856,	293	53	
do do do	111	00	
do do do	11	28	
do delinquent tax allowed by county board,	276	53	692 34
DR. To Territorial tax, 1857,	-	-	920 95
May 15, 1858. To ferry license,	-	-	8 00
CR. By amount ferry license paid,	-	-	8 00
By balance, - -	-	-	920 95
DR. To balance, - -	-	-	920 95
To Territorial tax, 1858, - -	-	-	4,590 56
			5,511 51

CR.	Nov. 15, 1859.	By am't paid Holbert, tax '58,	1 705 48	
	Dec. 31, 1859.	do do do	2,185 62	
	By balance,	- - -	1,620 61	5,511 71
DR.	To balance tax 1858,	- - -	1,620 61	
	To Territorial tax, 1859 and 1860,		9,274 87	
				<u>\$10,895 08</u>

JEFFERSON COUNTY,

DR.

1858.	To Territorial tax, year 1858,	\$2,898 02	
	do do years 1859 and 1860,	3,571 33	
Nov. 8, 1860.	Total balance due Kansas Territory,		\$6,469 35

JOHNSON COUNTY,

DR.

Sept. 1856.	To Territorial poll tax, year 1856,	\$192 00	
CR.	By amount paid B. F. Johnson, (sheriff)	192 00	
DR.	Nov. 26, 1857. To Territorial tax, year 1857,	144 55	
	April 5, 1858. To peddlers license, for 1857,	26 00	
	do do do	76 00	246 55
CR.	1860. By error, county tax 1857,	57 05	
	By delinquent list allowed by county board,	62 50	
Jan. 2.	By am't paid P. Cosgrove to treas., tax 1857,	123 80	
	By mileage, (no commission allowed,)	3 20	246 55
DR.	1858. To Territorial tax, year 1858,	2,732 39	2,732 39
CR.	June 23, 1859. By am't p'd J. T. Barton, tax '58,	762 81	
	Nov. 15. do do do	162 00	
	January 2, 1860. do do do	189 00	
	Nov. 8. By balance, - - -	1,618 58	2,732 39
Nov. 8, 1860.	To balance delinquent tax, '58,	1,618 58	
	do To Ter. tax, years '59 and '60.		

LYKINS COUNTY,

DR.

1855.	To Territorial poll tax of 1855,	210 00	
1858.	To Territorial tax of 1858,	2,481 63	
Nov. 1860.	do do 1859 and 1860,	3,978 12	6,669 75
Dec. 31, 1857.	By am't paid by B. P. Campbell,		
	poll tax of 1855,	210 00	
July 15, 1859.	do do W. P. Dutton, tax 1858,	738 50	
Oct. 29, 1859.	do do do do	737 34	
Nov. 1860.	do balance, - - -	4,983 91	6,669 75
Nov. 1860.	To balance delinquent tax, 1,005 79	4,983 91	

FRANKLIN COUNTY.

DR.

To Territorial tax of 1858,	- - -	874 63	
do do do 1859 and '60,	- - -	2,068 67	2,943 30
Nov. 8, 1860.	By am't paid by T. J. Mewhinney,		
	tax of 1858, - - -	655 88	
	By balance, - - -	2,287 42	2,943 30
Nov. 8, 1860.	To balance, - - -	2,287 42	

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LINN COUNTY.

DR.

To Territorial poll tax of 1856,	-	-	136 50	
do do tax of 1858,	-	-	149 50	
do do do 1858,	-	-	687 11	973 11
CR. 1857. By am't paid by Jno. H. Tate, tax 1856,			143 61	
June 14, 1859. do do C. H. Stillwell, tax 1858,			489 65	
By balance,	-	-	339 85	793 11
To balance,	-	-	339 85	
To Territorial tax of 1859 and '60.				

BROWN COUNTY,

DR.

To Territorial tax for year 1856,	-	-	359 09	359 09
CR. By error in assessment,	-	-	294 18	
By balance correct tax for 1856,	-	-	64 91	359 09
To balance,	-	-	64 91	
" Territorial tax, year 1857,	-	-	116 00	180 91
June 10, 1858. By am't paid by Fulton, tax 1856,			60 37	
do do do do 1856-7,			12 62	
do do (per centage allowed)			12 91	
By balance,	-	-	95 01	180 91
To balance,	-	-	95 01	
To Territorial tax, 1858.				
do do do 1859 and '60.				
CR. June 29, 1859. By amount paid, tax 1858,			90 00	
Nov. 15, 1859. do do do do			700 00	

BOURBON COUNTY,

DR.

To Territorial tax 1855, poll included,			309 33	309 33
CR. Dec. 31, 1857. By am't p'd by B. F. Hill, tax 1855,			229 00	
By balance,	-	-	80 33	309 33
To balance, (tax 1855,)	-	-	80 33	
" Territorial tax, 1857,	-	-	364 52	
			444 85	
Nov. 8, 1860. To Ter. tax, years 1859 and '60,			945 79	
Total balance due Kansas Territory, exclusive of tax for year 1858, (not yet assessed,)				1,390 64

SHAWNEE COUNTY,

DR.

To Territorial poll tax, year 1856,	-	-	44 50	
CR. Nov. 1857. By am't paid by John Horner, poll tax 1856,	-	-	44 50	
DR. To Territorial tax, year 1858,	-	-	1,321 57	
do do do years 1859 and '60,			3,689 45	5,012 02
CR. By amount paid by ———, tax 1858,			782 62	
To balance,	-	-	4,229 40	5,012 02
To balance,	-	-	4,229 40	

Recapitulation.

Nov. 1860,	To balance on tax 1858,	539 95	
	To tax 1859 and 1860,	3,689 45	
Total balance,	- - - -		4,229 40

BRECKINRIDGE COUNTY,**DR.**

1859.	To Territorial tax for year 1858,	679 58	679 58
CR.	July 14, 1859. By am't paid treasurer by H. W. Fick, tax of 1858,	468 39	
	By balance,	211 19	679 58
Dec. 31, 1859.	To balance due on tax of 1858,	211 19	211 19
Nov. 8, 1860.	By am't paid by H. W. Fick, tax '58,	26 80	
	By balance,	184 39	211 19
	To balance,	184 39	
	To Territorial tax, years 1859 and '60,	2,340 04	
Total balance due Territ'y, including 1859 and '60,			2,524 43

NEMAHA COUNTY,**DR.**

1858.	To Territorial tax, year 1858, - -	427 13	427 13
CR.	By amount paid by R. W. Torry, tax 1858,	361 23	
	By balance,	65 90	427 13
	To balance, (delinquent tax 1858,)	65 90	
Nov. 8, 1860.	To Territor'l tax, years 1859 and '60,	2,586 77	
do do	Total balance due Kansas Territory,		2,652 67

POTTAWATTAMIE COUNTY,**DR.**

	To Territorial tax for year 1858,		
do do do	years 1859 and '60,	980 21	
CR.	Feb. 27, 1860. By amount paid treasurer by W. Cook, tax 1858,	177 90	

RILEY COUNTY,**DR.**

	To Territorial tax, year 1858.		
do do do	years 1859 and '60,	568 04	
CR.	July 13, 1859. By amount paid by Amos Hunting, tax '58,	232 67	

ANDERSON COUNTY,**DR.**

Dec. 31, '58.	To Territorial tax, year '58,	680 32	
do do do	years '59 and '60,	2,043 86	
Nov. 8, '60.	Balance due Kansas Territory,	2,734 18	

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JACKSON COUNTY.

DR.

To Territorial tax for year '56	181 75	181 75
CR. Feb. 11, '58. By am't paid by W. Owen, tax '56,	20 49	
By balance,	161 26	181 75
DR. To balance delinquent tax of '55,	161 26	
'57. To balance Territorial tax for year '57,	307 35	468 61
CR. Dec. 11, '58. By am't paid by W. Owen, tax '57,	194 93	
By balance,	273 68	468 61
DR. To balance, (delinquent tax of '56 and '57,)	273 68	
To Territorial tax for year '58,	1,100 90	1,374 58
CR. July 15, '59. By am't paid by Albert Fuller,		
tax '58,	702 62	
By balance,	671 96	1,374 58
To balance,	671 96	

Recapitulation.

DR. To balance, (delinquent on tax of '56,)	161 26	
do do do do '57,	112 42	
do do do do '58,	398 28	
		671 96
Nov. '60. To Territorial tax for years '59 and '60,		2,638 97
Total balance,		\$3,310 93

PROCEEDINGS OF THE TERRITORIAL BOARD OF EQUALIZATION FOR THE YEAR 1860.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
Monday, Aug. 13th, 1860.

A meeting of the Territorial Board of Equalization was held this day, and

WHEREAS, By Section 72, of an act to provide for an assessment and collection of taxes, approved February 27th, 1860, this Board is required to meet on the second Monday of August annually; and

WHEREAS, Under Section 26, of same Act, the County Clerks of the several counties are not required to forward to the Auditor (a member of this Board) an abstract of the corrected assessment returns of their respective counties until the first day of September;

WHEREAS, By reason of this inconsistency of the law there is now no business before this Board. Therefore,

Resolved, That we do now adjourn until the 10th day of September next.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
September 10th, 1860.

Territorial Board of Equalization met pursuant to adjournment. An inconsiderable portion of county assessment abstracts having been received by the Auditor, it was

Resolved, That this Board adjourn to meet on Monday, the 8th day of October next.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
October 8th, 1860.

Territorial Board of Equalization met pursuant to adjournment. There being yet no business before the Board, it was

Resolved, That this Board adjourn to meet on Friday, the 2d day of November next.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
Friday, November 2d, 1860.

Territorial Board of Equalization met pursuant to adjournment. The assessment abstract of twenty-two counties being laid before the Board by the Auditor, the Board deemed it their duty to proceed to equalize the value of real estate therein, without waiting longer for assessment returns from the delinquent counties, whereupon the following action was had:

Leavenworth county—On examination of the assessment abstract reported from Leavenworth county, the valuation of land per acre was \$9.45, which was considered equitable and just—the total value of all taxable property being \$5,250,890. In accordance with an Act entitled "An Act to provide revenue for the years 1859 and 1860," the tax of three mills on the dollar is hereby levied. The Territorial tax to be raised in said county is \$15,752.67.

Douglas county—Land reported by County Clerk to be valued at \$5.67 per acre, which the Board deem too low, and raise the average value per acre to \$6.67. Aggregate valuation of real estate as increased, \$1,416,346. Total valuation of real and personal property, \$2,489,546.66. Amount of Territorial tax to be raised in said county \$7,466.63.

Doniphan county—Average value of land reported by County Clerk to be \$17.49 per acre, which, being considered equitable and just, no alteration is made. Total valuation of real and personal property, \$2,039,696.14. Amount of Territorial tax collected in said county, \$6,119.08

Lykins county—Average value of land reported by County Clerk to be \$3.74 per acre, considered too low and increased to \$4 per acre. Aggregate value of real estate as increased, \$1 606,160. Total valuation of real and personal property, \$1,326,043.30. Amount of territorial tax to be collected in said county, \$3,979.12.

Jefferson county—Average value of land reported by County Clerk to be \$2.92; considered too low and increased to \$4 per acre. Aggregate valuation of real estate as increased, \$972,848. Total value of real and personal property, \$1,190,444. Amount of Territorial tax to be collected in said county, \$3,571.33.

Wandott county—Average value of land reported by County Clerk to be nine dollars and ten cents; considered too high and reduced to nine dollars. Aggregate value as diminished, three hundred and thirteen thousand nine hundred and forty-seven dollars. Total value of real and personal property, eight hundred and twenty-one thousand three hundred and seventy-seven dollars and forty-six cents. Territorial tax to be collected in said county, two thousand four hundred and sixty-five dollars and thirteen cents.

Bourbon county—No land reported by County Clerk. Value of personal property three hundred and fifteen thousand two hundred and sixty-four dollars. Amount of Territorial tax to be collected in said county, nine hundred and sixty-five dollars and seventy-nine cents.

Jackson county—Average value of land reported by County Clerk to be two dollars and twenty-six cents per acre; considered too low and increased to three dollars per acre. Aggregate value as increased, seven hundred and twelve thousand nine hundred and forty-four dollars. Total value of real estate and personal property, eight hundred thousand one hundred and thirty-six dollars and fifty-six cents. Amount of Territorial tax to be collected in said county is two thousand four hundred dollars and forty cents.

Breckinridge county—Average value of land reported by County Clerk was two dollars and ninety-seven cents per acre, which is considered equitable and just. Total value of real and personal property seven hundred and eighty thousand and fourteen dollars. Amount of Territorial tax to be collected in said county, two thousand three hundred and forty dollars and four cents.

Coffey county—Average value of land reported by County Clerk was one dollar and forty-six cents per acre; considered too low and increased to three dollars per acre. Aggregate value of real estate as increased, six hundred and seventy-six thousand five hundred and fifty-one dollars. Total valuation of real and personal property, eight hundred and seventy-nine thousand six hundred and fifty-eight dollars. Amount of Territorial tax to be collected in said county is two thousand six hundred and thirty-eight dollars and ninety seven cents.

Anderson county—Average value of land reported by the County Clerk was two dollars and fifty-nine cents per acre; considered too low and increased to two dollars and seventy-five cents per acre. Aggregate value of real estate as increased, five hundred and fifty-three thousand six hundred and fifty-eight dollars. Total value of real and personal property, six hundred and eighty-four thousand six hundred and twenty-two dollars and fifty-six cents. Amount of Territorial tax to be collected in said county, two thousand and fifty-three dollars and eighty-six cents.

Madison county—Average value of land reported by County Clerk was two dollars and ninety cents per acre, considered too high and reduced to two dollars and sixty cents per acre. Aggregate value of real estate as reduced, two hundred and ten thousand and two hundred and twelve dollars and sixty cents. Total value of real and personal property, two hundred and thirty-three thousand eight hundred and ninety-four dollars and sixty-three cents. Amount of Territorial tax to be collected in said county, seven hundred and one dollars and sixty-eight cents.

Osage county—Average value of land reported by County Clerk was two dollars and sixty-eight cents per acre, considered too low and increased to three dollars per acre. Aggregate value of real estate, as increased, four hundred and sixty-eight thousand five hundred and forty dollars. Total value of real and personal property, five hundred and twenty-three thousand five hundred and fifty-two dollars. Amount of Territorial tax to be collected in said county, one thousand five hundred and seventy dollars and sixty-five cents.

Wabaunsee county—Average value of land reported by County Clerk was two dollars and forty-one cents per acre; considered equitable—no alteration was made. Aggregate value of real estate two hundred and twenty-four thousand seven hundred and eighty-six dollars. Total value of real and personal property two hundred and seventy-nine thousand three hundred and sixty-two dollars. Amount of Territorial tax to be collected in said county, eight hundred and thirty-eight dollars eight cents.

Pottawattamie county—Average value of land reported by County Clerk was two dollars and twenty-two cents per acre; considered too low and increased to two dollars and sixty cents per acre. Aggregate value as increased, of real estate, two hundred and fourteen thousand six hundred and eighty-two dollars. Total value of real and personal property, three hundred and twenty-six thousand seven hundred and thirty-nine dollars. Amount of Territorial tax to be collected in said county, nine hundred and eighty dollars and twenty-one cents.

Riley county—Average value of land reported by County Clerk was two dollars and sixty-two cents; no change considered necessary. Total value of real and personal property, one hundred and eighty-nine thousand three hundred and forty-eight dollars. Amount of Territorial tax to be raised in said county, five hundred and sixty-eight dollars.

Marshall county—Average value of land reported by County Clerk, was five dollars and fifty-three cents per acre; considered too high and reduced to three dollars per acre. Aggregate value of real estate, as reduced, one hundred and seventy-seven thousand nine hundred and sixty-six dollars. Total value of real and personal property, three hundred and fifty-one thousand eight hundred and thirty-four dollars. Amount of Territorial tax to be collected, one thousand fifty-five dollars and fifty cents.

Allen county—No taxable land reported by County Clerk. Personal property one hundred and eighty-two thousand five hundred and ninety-four dollars. Amount of Territorial tax to be collected in said county, five hundred forty-seven dollars and seventy-eight cents.

Franklin county—Average value of land reported by County Clerk at two dollars and fifty-four cents per acre, increased to three dollars per acre. Aggregate value of real estate as increased, five hundred and fifty-four thousand eight hundred and eighty dollars. Total value of real and personal property, six hundred and eighty-nine thousand five hundred and twenty-five dollars. Amount of Territorial tax to be collected in said county, two thousand and sixty-eight dollars and fifty-seven cents.

Chase county—Average value of land reported by County Clerk at three dollars and eighty-six cents; considered too high and reduced to two dollars and forty-five cents. Aggregate value of real estate as reduced, eighty-three thousand two hundred and forty-one dollars and twenty cents. Total value of real and personal property, one hundred and twenty-eight thousand one hundred and seventy-two dollars and seventy cents. Amount of Territorial tax to be collected in said county, three hundred and eighty-four dollars and fifty-one cents.

Morris county—Average value of land reported by County Clerk at two dollars and forty-five cents; no alteration considered necessary. Total value of real and personal property, eighty-six thousand three hundred and seventy-nine dollars. Amount of Territorial tax to be collected in said county, two hundred and fifty-nine dollars and thirteen cents.

Woodson county—No taxable real estate reported by County Clerk. Value of personal property one hundred and seven thousand four hundred and forty-three dollars. Amount of Territorial tax to be collected in said county, three hundred and twenty-two dollars and thirty-two cents.

A number of counties not having transmitted to the Auditor abstracts of the assessment rolls of such counties; therefore

Resolved, That this Board now adjourn until notified by the Auditor of the receipt of other assessment returns from the delinquent counties.

AUDITOR'S OFFICE, LECOMPTON, K. T. }
November, 8th 1860.

Board being called to equalize the assessment roll of Nemaha County.—Average value of land reported by County Clerk, at \$1.58 per acre, was considered too low, and increased to \$2.75 per acre. Aggregate value of real estate as increased \$939,918.00. Total value of real and personal property \$973,917.00. Amount of Territorial tax to be raised in said County \$2,841.75.

AUDITOR'S OFFICE, LECOMPTON, K. T. }
November 15th, 1860.

Territorial Board of Equalization was called together by the Auditor, who laid before the Board the abstract of the assessment roll of Shawnee for the year 1860, which had just been received. Shawnee County—Average value of land reported by County Clerk at \$4.95, considered too high and equalized it at \$4 per acre. Aggregate value of real estate as diminished \$629,312.00. Total value of real and personal property \$1,229,817. Amount of Territorial tax to be collected in said county \$3,609.45. The Board adjourned to meet again, subject to the Auditor's call.

AUDITOR'S OFFICE, LECOMPTON, K. T. }
November 19th, 1860.

At the instance of the Auditor, the Territorial Board of Equalization met to equalize the abstracts of the assessment rolls of several counties, which had just been received.

Dickinson County—Average value of land per acre reported by County Clerk at \$1.72 per acre, considered too low; was increased to \$2.50 per acre. Aggregate value as increased of real estate \$62,700.00. Total value of real and personal property \$84,659.00. Amount of Territorial tax to be collected in said county \$253.97.

Clay County—Average value of land reported by County Clerk at \$2.83, considered too high and reduced to \$2.50 per acre. Aggregate value of real estate as diminished \$7,600.00. Total value of real and personal property \$13,290.00. Amount of Territorial tax to be collected in said county \$39.87.

Davis County—Average value of land reported by County Clerk at \$2.08 per acre, considered too low, and raised to \$2.75 per acre. Aggregate value as increased \$157,311.00. Total value of real and personal property \$260,790.00. Amount of Territorial tax to be collected in said county \$782.37.

AUDITOR'S OFFICE, LECOMPTON, K. T. }
November 37th, 1860.

Board called together by the Auditor, who laid before them the abstract of assessment of Atchison County—Average value of land reported by County Clerk at \$21 per acre. The Board deemed it too high and reduced it to \$8 per acre. Aggregate value of real estate as reduced \$2,033,832.00. Total value of real and personal property \$3,091,625.00. Amount of Territorial tax to be collected in said county, for the years 1859 and 1860, \$9,274.87.

The Board adjourned until further notice from the Auditor.

AUDITOR'S OFFICE, LECOMPTON, K. T., }
December 15th, 1860.

Board met pursuant to adjournment, to equalize the assessment returns for Linn and Johnson Counties.

Linn County—Average value of land reported by County Clerk at \$3.28. Total valuation of taxable property \$696,924.30. Amount of Territorial tax to be collected in said county, for 1859 and 1860, \$2,090.77.

Johnson County—Average value of land reported by County Clerk at \$3.31 1-2. Aggregate value of real estate \$810,213. Total valuation of real and personal property \$1,146,515. Amount of Territorial tax to be collected in said county, for 1859 and 1860, \$3,439.54.

The Board deemed the valuation of the land, per acre, too low, but owing to the lateness of the returns from this county and the fact of the Territorial tax being already apportioned on this valuation, and part collected, deemed it unwise to make any change.

[Signed,] H. J. STRICKLER, Auditor.
ROBT B. MITCHELL, Treasurer.
G. M. BEEBE, Secretary.

Recapitulation.

NAMES of COUNTIES.	Total number of acres of land.	Aver value of land as rep by to clerk p acre	Ag val of land per acre as fixed by Terr Board	Total value of real estate as reported by Co. Clerk.	Aggregate value of real estate, as in- creased by Terr. Board	Total value of real and per- sonal property	Number of Town Lots	Total value of Town Lots \$	Amount of Terr Tax to be collect- ed in each Co
Leavenworth,	139,971	9 45	9 45	1,320,474 00	1,320,474 00	15,250,890 00	10,002	2,735,769 00	15,752 67
Douglas,	212,367	5 67	6 67	1,263,979 46	1,416,346 00	2,277,179 66	13,978	5,819,000 50	7,418 63
Doniphan,	219,790 1/2	7 49	7 49	1,647,711 20	1,647,711 20	2,639,693 14	6,852	146,392 00	6,119 08
Ls kins,	251,140	3 74	4 00	942,478 91	1,046,160 00	1,326,043 30	4,164	111,900 00	3,978 12
Jefferson,	243,262	2 92	4 00	707,407 00	97,248 00	1,190,444 00	1,924	45,457 00	3,171 33
Wyandott,	34,823 1/4	9 10	9 00	319,692 66	313,947 00	521,377 46	12,108	325,127 00	2,405 13
Bourbon,						315,264 00			945 79
Jackson,	237,643 7/8	2 26	3 00	538,205 23	712,944 00	800,186 56	1,084	6,400 00	2,410 40
Breckinridge,	190,468	2 97	2 97	566,276 00	566,276 00	780,014 00	6,636	56,562 00	2,340 14
Coffey,	221,517	1 54	3 00	413,666 00	676,551 00	879,688 00	6,355	60,110 00	2,638 97
Anderson,	201,694 1/2	2 59	2 75	522,983 92	553,658 00	684,622 56	1,175 1/2	19,618 00	2,653 26
Madison,	80,851	2 90	2 60	234,917 00	210,212 00	233,894 63	701 68		701 68
Osage,	156,180	2 68	3 00	418,410 00	468,540 00	528,552 00			1,570 65
Wabunsee,	97,082	2 41	2 41	224,786 00	224,786 00	270,362 00	2,153	13,631 00	838 08
Pottawattamie,	82,570	2 22	2 60	183,694 00	214,682 00	326,390 00			9-0 21
Riley,	41,476	2 62	2 62	108,730 00	118,730 00	180,348 00			508 04
Marshall,	59,322	5 53	3 60	328,325 60	177,966 00	351,834 00	2,236 1/2	31,171 00	1,655 50
Allen,						182,894 00			547 78
Franklin,	184,960	2 54	3 00	470,801 00	554,880 00	689,825 00	7,705	16,112 00	2,068 57
Chase,	33,976	3 86	2 45	131,147 00	63,241 20	128,172 70	1,991	1,794 50	364 51
Morris,	12,794	2 45	2 45	31,495 00	31,495 00	86,479 00			259 13
Nemaha,	313,366	1 53	2 75	495,732 00	861,591 50	805,590 50	783	7,917 00	2,576 77
Shawnee,	157,328	4 95	4 00	786,219 00	629,312 00	1,229,817 00	5,201	291,130 00	3,089 45
Aitchison,	254,939	21 00	8 00	1,185,601 00	2,633,832 06	3,091,625 00	15,816	817,544 75	9,274 87
Clay,	3,040	2 83	2 50	8,575 00	7,600 00	13,209 00			39 87
Davis,	57,964	2 08	2 75	118,984 62	157,311 00	260,790 00	890	36,633 00	782 37
McKinson,	25,116	1 72	2 50	43,325 60	62,790 00	84,659 00			254 00
Woodson,						107,443 00			3,2 92
Linn,	117,870	3 28	3 28	386,813 00	386,813 00	686,924 31	781	13,464 00	2,690 77
J. hnson,	244,473	3 31 1/2	3 31	810,213 00	810,213 00	1,146,515 60	8,074	117,120 00	3,459 54
Total	3,878,939 3/4	4 28	4 28 1/2	14,553,163 40	16,308,710 50	27,663,686 52	135,328	5,641,128 75	61,188 13

* Value per lot, \$41 68

Mr. Dunton introduced House Bill No. 7, entitled "An Act to declare the Military Road from Fort Riley to Fort Larned a Territorial Road," which was

Read first time.

Also, House Bill No. 8, an Act entitled "An Act to declare the Military Road from Fort Riley to Fort Wise a Territorial Road," which was

Read first time.

Also, House Bill No. 9, an Act entitled "An Act to incorporate the Blue River Bridge Company," which was

Read the first time.

Also, House Bill No. 10, an Act entitled "An Act to incorporate the First Congregational Church in Manhattan," which was

Read the first time.

Also, House Bill No. 11, an Act entitled "An Act to incorporate the Manhattan and Kansas River Bridge Company," which was

Read first time.

Also, House Bill No. 12, an Act entitled "An Act to declare the Smoky Hill Road, from Fort Riley to Denver City and Colorado City a Territorial Road and Public Highway," which was

Read the first time.

Mr. Perry introduced House Bill No. 13, an Act entitled "An Act in relation to the Construction of Statutes," which was

Read first time.

Mr. Guthrie introduced House Bill No. 14, an Act entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,' " which was

Read first time.

Also, House Bill No. 15, an Act entitled "An Act respecting Private Bills," which was

Read first time.

Also, House Bill No. 16, an Act entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved February 11, 1859, which was

Read first time.

Mr. Markham moved to refer Governor's Message to a Committee of three.

— Withdrawn.

Mr. Winchell moved to lay the Governor's Message upon the table, and that five hundred copies be printed.

Mr. Perry moved to strike out five hundred and insert one thousand.

Accepted.

Mr. Fairchild moved that five hundred additional copies be printed in German.

Accepted.

Motion, as amended, adopted.

Mr. Guthrie offered the following resolution :

Resolved, That the Governor's Message be referred to a Select Committee of three, to be by said Committee referred to the appropriate Standing Committees.

Mr. Greer offered the following as a substitute, which was adopted :

Resolved, That the Message of the Governor be referred to a Select Committee of three whose duty it shall be to distribute the subjects therein contained to appropriate Standing Committees.

Committee, Messrs. Greer, Guthrie and Markham.

Mr. Perry gave notice of his intention to introduce a Bill to incorporate the Kansas Relief Committee, at Atchison.

Mr. Guthrie offered the following resolution :

Resolved, That the hours of meeting for the morning and afternoon session, be, respectively, 9 and 2 o'clock of each day, unless the House shall otherwise direct.*

Mr. Roberts moved to strike out the word "afternoon."

Amendment accepted, and

Resolution adopted.

Mr. Guthrie offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to procure a desk, with suitable pigeon holes, in which to file the bills and papers of the House, for the use of the Docket Clerk.

Mr. Deitzler moved to amend, so as to include carpets for the aisles and sawdust for the lobby.

Accepted.

Mr. Perry moved to amend, so as to include spittoons, and tables for reporters.

Accepted.

Mr. Guthrie moved to amend, so as to include covering for the desks.

Accepted.

Mr. Deitzler moved to amend, so as to read :

Resolved, That the Secretary of the Territory be requested to furnish a desk, with suitable pigeon holes, in which to file the bills and papers of the House, for the use of the Docket Clerk ; also, carpet for aisles, sawdust for the lobbies, spittoons, table for reporters, and coverings for the desks.

Amendment accepted.

Resolution adopted as amended.

Mr. Graves offered the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be instructed to request the Secretary to furnish each member of this House a copy of Gunn's map of Kansas.

Mr. Danton introduced the petition of Margaret J. Spinney, praying for a divorce.

Referred to Committee on Judiciary.

Also, a petition of C. W. Davis, praying for a divorce.

Referred to Committee on Judiciary.

Also, petition from John Krep, and seventeen others, praying that Jackson township, Riley county, be exempted from the operation of the Hog Law.

Referred to Committee on Agriculture.

Also, petition from John K. Whitson, and twenty-six others, praying that Jackson township, Riley county, be exempted from the operation of the Hog Law.

Referred to Committee on Agriculture.

Also, petition from John Thompson, and twenty others, praying for a change of the line between Davis and Riley counties.

Referred to Committee on County Lines.

Mr. Thoman introduced a petition of Esther Moore, praying for a divorce.

Referred to Committee on Judiciary.

Mr. Guthrie moved that the extra expense of fitting up this Hall be referred to Lawrence Committee.

Withdrawn.

Mr. Gilpatrick moved that a Select Committee of three be appointed to inquire into the matter of extra expenses of the House.

Withdrawn.

Mr. Bailey introduced a petition of Henry Smith, praying for a divorce.

Referred to Committee on Judiciary.

On motion of Mr. Dunton, . . .

House Bill No. 4, entitled "An Act to incorporate the Havana City Company," was

Read second time, and

Referred to Committee on Incorporations.

Also, House Bill No. 5, an Act entitled "An Act respecting the taking effect of public Acts,"

Read a second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 6, an Act entitled "An Act to incorporate the Smoky Hill Company,"

Read a second time, and

Referred to Committee on Incorporations.

Mr. Buckmaster moved to adjourn until to-morrow at 2 o'clock P. M.

Withdrawn.

On motion of Mr. Roberts,

The whole subject of fitting up the House was referred to a Special Committee, consisting of the members from Douglas county.

Mr. Buckmaster moved to adjourn until to-morrow at 2 o'clock P. M.

Mr. Bailey moved to strike out "2 o'clock P. M.," and insert "10 A. M."

Motion and amendment withdrawn.

Mr. Bailey offered the following resolution, which was adopted :

Resolved, That Henry Morrow be allowed the privilege of copying the Journals each day, of this House, for the printer, and that he be required to take the same oath as Assistant Clerks.

Mr. Perry moved to adjourn until 10 o'clock to-morrow morning.

Lost.

On motion of Mr. Buckmaster,

The House adjourned until 2 o'clock P. M.

ALFRED GRAY,
Chief Clerk.

FRIDAY, Jan. 11, 1861, }
TWO o'CLOCK, P. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees—Messrs. Bailey, Burnett, Brumbaugh, Cowles, Deitzler, Dunton; Guthrie, Gilpatrick, Kean, Lakin, Lillie, McCook, Perry, Reynolds, Snoddy, Thoman, Wood.

Journal read, corrected and approved.

Vacancies in the Standing Committees filled:

On Enrolled Bills, Messrs. Graves and Humber.

On Elections, Mr. Bowker.

Mr. Humber offered the following resolution:

Resolved, That the Members of the respective counties take their seats on the floor corresponding with the numbers of their respective counties or districts, commencing at the seat on the left of the Chairman's hand.

Mr. Guthrie offered the following as an amendment:

Resolved, That the Members of the House proceed to the selection of seats, by the Clerk placing the names of the members

in a hat and the Sergeant-at-Arms drawing the names one at a time—the members selecting their seats as their names are called by the Sergeant-at-arms.

Mr. Perry moved to amend, so that seats be drawn by representative districts.

Lost.

Amendment of Mr. Guthrie adopted.

Resolution, as amended, adopted.

Mr. Winchell offered the following resolution :

Resolved, That the printer be instructed to retain all the copies of the Governor's Message, printed in accordance with the order of yesterday, without stitching the same, until further orders from the House.

Message from the Council :

MR. SPEAKER.—I am directed to notify the House that the Council have passed the following resolutions, and request your concurrence :

Resolved, By the Council, (the House concurring therein,) That a Committee of one on the part of the Council and two on the part of the House, be appointed to confer with the Board of County Commissioners of Douglas, relating to an invitation from said Board inviting the Governor and Legislative Assembly to visit the jail in the city of Lawrence.

Committee on the part of the Council, Mr. Palmer.

JOHN J. INGALLS,
Secretary.

Resolved, By the Council, (the House concurring therein,) That a Committee of three on the part of the Council and five on the part of the House, be appointed with instructions to report a set of Joint Rules for the government of the two Houses.

Committee on part of the Council, Messrs. Updegraff, Mathias and Thomas.

JOHN J. INGALLS,
Secretary.

Mr. Perry moved to lay the resolution on the table.

Lost.

Mr. Miller moved to indefinitely postpone the resolution.

Withdrawn.

Mr. Deitzler moved to strike out "printer" and insert "Sergeant-at-arms."

On motion of Mr. Perry, the whole matter was laid upon the table.

Members selected seats in accordance with resolution.

Mr. Buckmaster offered the following resolution :

Resolved, That the Committee on Federal Relations be requested to inquire into the state of the Union, and to report, by Bill or otherwise, what action the circumstances may require on the part of the people of Kansas, and such other facts as they may deem important for the consideration of the House.

Mr. Miller moved to strike out "such other facts."

Lost.

The resolution was adopted.

Report of Mr. Dunton, Chairman of Committee on Elections :

REPORT OF COMMITTEE ON CONTESTED SEATS.

MR. SPEAKER: The Committee on Contested Seats, to whom were referred the papers relative to the seat of the Representative of the 10th District, comprising the counties of Marshall and Washington, J. D. Brumbaugh being the incumbent, and Geo. G. Pierce the contestant, have had said papers under consideration, and the majority of the Committee respectfully submit the following report:

In the county of Marshall, the whole number of votes cast for Representative was 385, of which number J. D. Brumbaugh received 156 votes, George G. Pierce, 149 votes, and J. E. Clardy 80 votes.

In the county of Washington, the whole number of votes cast for Representative was 42, of which number George G. Pierce received 37 votes, J. D. Brumbaugh 4 votes, and J. Clardy one vote.

The whole number of votes cast for Representative in said 10th District was 427 ; of which number George G. Pierce received 186 votes, J. D. Brumbaugh 160 votes, and J. E. Clardy 81 votes.

The County Board of Canvassers of said Marshall county, J. D. Brumbaugh, the incumbent, being chairman, in canvassing the votes of said county, rejected the returns from Barrett's Precinct, and did not include the same in their returns to the Secretary of the Territory.

The whole number of votes cast for Representative at said precinct, was 38, of which number George G. Peirce received 35 votes and J. D. Brumbaugh 3 votes.

Said County Board of Canvassers having rejected the returns from said precinct, the returns from said 10th District to the Secretary of the Territory show as follows:

J. D. Brumbaugh,	-	-	-	137	votes
George G. Pierce,	-	-	-	151	"
J. E. Clarely,	-	-	-	81	"

This gave J. D. Brumbaugh a plurality of 6; but had the returns from said precinct been counted, George G. Pierce would have had a plurality of 26.

The grounds upon which said Board of Canvassers rejected the returns from Barrett's Precinct, the same being legal upon their face, were the illegalities in conducting the election and in canvassing the votes, proved by the affidavit of one Otis D. Prentice, which affidavit is herewith annexed, marked "A," and made a part of this report.

At this stage of the case, two questions are suggested to the minds of the majority of the Committee:

First, Whether the said Board of Canvassers have the right to go behind the returns and reject them for illegalities which did not appear upon their face, but which were proved *aliunde*.

Second, Admitting that said Board of Canvassers had the right to go behind the returns as aforesaid, whether the alleged illegalities in this case proved by the said affidavit, were of such a character as to justify them, the said Board of Canvassers, in rejecting the returns from Barrett's Precinct.

As to the question first above stated, the majority of the Committee are clearly of the opinion that a County Board of Canvassers have no right to go behind the returns, when they are legal upon their face, and reject them for illegalities, proved either in conducting the election or in making up the returns, or both; and in support of this opinion they refer to Sec. 53 of the "Act regulating Elections," Statutes of 1859, page 395.

Had said Board of Canvassers taken this view of the law, and had the certificate been given to Mr. Pierce, Mr. Brumbaugh, if really entitled to the seat, would have had his remedy to obtain it. (Statutes of '59, page 406.)

As to the question secondly above stated, the majority of the Committee are also of the opinion that the alleged illegalities, as

proven by the affidavit of the said Otis D. Prentiss, were not sufficient to justify the said Board of Canvassers in rejecting the said returns. Section 75 of the Act regulating elections, statutes of '59, page 399.

But the affidavit of the said Otis D. Prentiss is contradicted by the affidavits of the Inspectors and Clerks of election at said precinct; and the facts in regard to said alleged illegalities, as sworn to by said Inspectors and Clerks, are as follows: They, the Clerks and Inspectors, although having taken the proper oath, did not subscribe to the same till after the polls were closed, but before completing the canvass of the votes. Thomas Wells, one of said Inspectors, was so intoxicated for a short time as to be unable to attend to the duties of his office. One Thomas Edgar, without being sworn, assisted said Inspectors in canvassing the votes, by stringing a portion of the ballots; and the jurats of the officers administering the several oaths upon said returns, from said precinct, were not affixed till the 7th day of November, the day following the day of the election.

In any view of this case which the majority of the Committee are able to take, they are clearly of the opinion that Geo. G. Pierce is the legally elected Representative of the said 10th District, and, as such, is entitled to a seat in this House; therefore, the majority of the Committee recommend the passage of the accompanying resolution.

WALTER C. DUNTON,
W. W. GUTHRIE,
D. A. HAWKINS.

RESOLUTION.

Resolved, That George G. Pierce is entitled to a seat in this House as the Representative from the 10th District, composed of the Counties of Marshall and Washington.

(“ A.”)

TERRITORY OF KANSAS, }
County of Marshall. }

I, Otis D. Prentiss, do solemnly swear that I was at Barrett's precinct, in Vermillion township, in Marshall county, K. T., on the general election day, held on Tuesday, the sixth day of November, and remained in that vicinity for nearly two days thereafter; that in my opinion the polls were not lawfully canvassed; that, soon after the polls were closed, Thomas Wells, one of the Judges, was too much intoxicated to attend to business, and he left the room and Thomas Edgar took his seat, without having been sworn, and assisted in canvassing votes; that the poll books were not made up and completed according to law.

That on the day after the election, at about 5 o'clock in the afternoon, I saw the poll books at Smith's store, half mile from the place of holding the election, and Dr. Blackburn, who was not one of the Clerks, making up the returns, and have good reasons to believe that the returns were not signed by the Judges or Clerks of election of that precinct until Wednesday night or Thursday morning after the election. I know, also, that the poll books were taken to Smith's store without an adjournment, as the law provides.

OTIS D. PRENTISS.

Sworn to and subscribed before me this, 9th day of November, A. D. 1860.

J. S. MAGILL,
Justice of the Peace.

TERRITORY OF KANSAS, }
County of Marshall. }

I, E. C. Manning, County Clerk of Marshall county, K. T., do hereby certify that Jas. S. Magill, who signed his name to the foregoing affidavit, was, at the time of so doing, an acting Justice of the Peace for said county, duly elected, commissioned, and qualified, and that his signature is genuine.

Seal of the Clerk In testimony whereof I hereby sign my
name and affix the seal of my office,
this 12th day of November, 1860.

{ SEAL }

E. C. MANNING,
County Clerk.

of Marshall county.

Mr. Dunton, as chairman of said Committee on Elections, recommended the passage of the following resolution:

Resolved, That George G. Pierce is entitled to a seat in this House as the Representative from the Tenth Representative District, composed of the counties of Marshall and Washington.

Mr. Perry, from Committee on Elections, offered the following minority report:

MINORITY REPORT.

IN THE MATTER OF CONTEST FOR SEAT AS MEMBER OF THE HOUSE
OF REPRESENTATIVES FOR THE TENTH REPRESENTATIVE
DISTRICT.

J. D. BRUMBAUGH, Incumbent, }
vs. }
G. G. PIERCE, Contestant.

We, the undersigned, members of the Committee on Contested

Seats, having had before us, with others, members of said Committee, the case of contested election for the 10th Representative District in said Territory, wherein J. D. Brumbaugh is incumbent and G. G. Pierce is contestant, report as follows: That J. D. Brumbaugh, the incumbent of said District, be declared the legally elected member from the same, and entitled to his seat herein, because, from the evidence it appears that at the canvassing of the votes of Barrett's Precinct, in said District, the Judges or Superintendents of Election were not all present as required by law.

WM. PERRY,
V. P. MARKHAM.

Mr. Guthrie moved the adoption of the majority report.

Mr. Perry moved to amend by adopting the minority report.

On motion of Mr. Miller, both reports were laid upon the table, ordered to be printed, and made the special order for tomorrow at 10 o'clock A. M.

Mr. Burris, from Committee on Judiciary, made the following report:

[Report not furnished to printer.]

Mr. Lillie introduced House Bill No 17, entitled "An Act for the relief of John A. Swallow;"

Also, House Bill No. 18, an Act entitled "An Act locating a certain Territorial Road therein named;"

Also, House Bill No. 19, an Act entitled "An Act locating a certain Territorial Road therein named;" which were

Read the first time.

Mr. Deitzler introduced House Bill No. 20, an Act entitled "An Act to Incorporate the Lawrence University of Kansas," which was

Read first time.

Mr. Bowker presented a joint memorial, and

Moved that the same be referred to a Special Committee of three.

On motion of Mr. Winchell, the same was

Laid upon the table.

Mr. Winchell moved to take up the report of the Committee on Rules.

Mr. Dunton moved to amend, by laying report on table, and to be made the special order for to-morrow at 11 o'clock A. M.

Mr. Greer moved that the reports of Standing Committees be printed, and be laid on the desks of the members every morning.

Mr. Dunton moved to amend so as to include only public Acts.

Accepted.

Mr. Gilpatrick moved that it extend to all Acts.

Adopted.

Mr. Snoddy introduced House Bill No. 21, an Act entitled "An Act divorcing Allen Beeson from Elizabeth Beeson," which was

Read the first time.

Also, a petition of Allen Beeson, praying for a divorce, which was

Referred to Committee on Judiciary.

Mr. Bailey introduced House Bill No. 22, an Act entitled "An Act Incorporating the Pioneer Hook and Ladder Company No. 1."

Mr. Burris, from Committee on Judiciary, made the following report:

The Committee on House Bill No. 5, an Act entitled "An Act respecting the taking effect of public Acts," have considered the same, and recommend the following amendments:

After the word "Republican" in the eighth line of the second section, insert the words "Manhattan Express, Leavenworth Herald."

Also, House Bill No. 3, entitled "An Act to repeal certain laws therein named," and report the same back with amendment and recommend its passage.

Mr. Brumbaugh introduced House Bill No 23, an Act entitled "An Act to authorize H. D. Williams and H. J. Marshall to build a bridge across the Blue River."

Also, House Bill No. 24, an Act entitled "An Act to Incorporate the city of Marysville ;" which were

Read first time.

Mr. Lines introduced the following resolution, which was adopted:

Resolved, That the Code of Civil Procedure and all amendments thereto, passed at the last session of the Legislative Assembly, be referred to the Judiciary Committee, with instructions to report any necessary amendment by Bill.

Mr. Greer introduced House Bill No. 25, an Act entitled "An Act to extend the time for paying taxes, and for other purposes," which was

Read first time.

Mr. Bailey presented the petition in case of C. B. Clemens, contestant for Mr. McCook's seat in the House of Representatives.

On motion of Mr. Greer,

The same was referred to Committee on Contested Elections.

Mr. Markham introduced House Bill No. 26, an Act entitled "An Act for the divorce of Sabra J. V. Wells from Alpheus Wells."

Read first time.

Also, House Bill No. 27, an Act entitled "An Act divorcing Alexander Edwards from Deborah Edwards," which was

Read first time.

Mr. Greer introduced House Bill No. 28, an Act entitled "An Act for the relief of Melissa Hover," which was

Read first time.

Mr. Greer moved that the Rules be suspended, the Bill read the second time, and referred to Committee on Judiciary.

Pending this motion,

House adjourned until nine o'clock A. M., to-morrow.

ALFRED GRAY,
Chief Clerk.

SATURDAY, Jan. 12, 1861, }
NINE O'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Bailey, Cowles, Dunton, Graves, Humber, Kean, Lakin, Lillie, Lines, McCook, Perry, Reynolds, Simpson and Wood.

Journal of yesterday read, corrected and approved.

On motion of Mr. Dunton,

House proceeded to the consideration of the special order set for 11 o'clock to-day; it being Report from the Committee on Rules.

On motion of Mr. Roberts, the Report was read through for correction, as if in Committee of the Whole.

Report of Committee on Rules, read as printed.

On motion of Mr. Roberts, each rule was considered separately in its order.

Rules 1, 2, 3 and 4, were adopted without amendment.

Mr. Perry moved to strike out of rule No. 5, the words, "in his place," in the second line of the fifth rule.

Mr. Winchell moved to amend, by inserting the word "own," after the word "his," and before "place," which was accepted, and rule as amended, was adopted.

Rule No. 6 adopted without amendment.

On motion of Mr. Winchell, "have" was inserted in place of "has," in the second line of the seventh rule.

Mr. Gilpatrick moved to add, after the word "vote," in the second line of the seventh rule, "unless the result of this vote be adverse to his interest."

Mr. Burris moved to amend by striking out all after the word "House," in the second line of the seventh rule.

Lost.

Mr. Gilpatrick's amendment lost.

Mr. Deitzler moved to amend by inserting "direct," before "private."

Adopted.

Mr. Miller moved to strike out of the third line of the seventh rule, the words, "when his name is called."

Rule No. 7 adopted, as amended.

Mr. Bailey moved to insert "oral," after word "written," in the first line of the eighth rule.

Mr. Dunton moved to amend by inserting, "if written," after the word "entered," in second line.

Accepted.

Mr. Deitzler moved, as a substitute, to strike out the whole of rule eight. Amendments lost, and

Motion to strike out, adopted.

Rule No. 9 adopted, without amendment.

On motion of Mr. Winchell, "discourse" was inserted in place of "discussion," in rule tenth, and adopted.

Rules 11, 12, 13, 14 and 15, adopted without amendments.

On motion of Mr. Buckmaster, "Committee on Rail Roads," line twenty-three, in rule sixteenth, was stricken out.

Mr. Lines moved to strike out "Committee on Divorces," in rule No. 16.

Mr. Guthrie moved the previous question, whereupon

The yeas and nays were demanded, with the following result:

Yeas—24; nays—8.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Buckmaster, Brumbaugh, Burris, Coffinberry, Deitzler, Evans, Guthrie, Greer, Gilpatrick, Hanway, Hawkins, Lillie, Lines, Miller, Perry, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams and Wilson.

Nays—Messrs. Burnett, Dunton, Fairchild, Graves, Humber, Markham, Roberts and Winchell.

And so the motion prevailed.

Previous question put, and motion adopted.

On motion of Mr. Winchell,

House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK P. M.

House called to order.

On motion of Mr. Roberts,

Call of roll was dispensed with.

Leave of absence was granted to Chief Clerk, Mr. Gray, on motion of Mr. Roberts, until Monday P. M.

Mr. Dunton moved to postpone the report of the Committee on Rules until Monday, and take up the report of the Committee on Elections.

Withdrawn, and

House proceeded with consideration of the report of the Committee on Rules.

Rule No. 16, as amended, was adopted.

On motion of Mr. Winchell, rule No. 17 was considered, and Adopted without amendment.

Rules No. 18, 19, 20 and 21 adopted, without amendment.

Mr. Simpson moved to strike out the words "Tuesdays and," in the second line of rule twenty-second.

Mr. Burris moved to amend by striking out the whole rule.

Withdrawn.

Amendment of Mr. Simpson, adopted.

Mr. Roberts moved to reconsider the vote.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have adopted the following resolution, and respectfully solicit your concurrence:

Resolved, By the Legislative Assembly of the Territory of Kansas, that we fully indorse the movements of Major Anderson, at Charleston, South Carolina, as eminently wise and patriotic; and his timely action, on his own responsibility, demonstrate to the world that he is a man equal to the crisis, and possessed of the highest order of military skill and ability.

JOHN J. INGALLS,
Secretary.

Yeas and nays demanded, and called, with the following result:

Yeas—15; nays—17.

Those voting in the affirmative were,

Messrs. Bailey, Bowker, Burnett, Brumbaugh, Fairchild, Greer, Graves, Humber, Hanway, Hawkins, Markham, Roberts, Thoman and Winchell.

Nays—Messrs. Anderson, Buckmaster, Burris, Coffinberry, Evans, Guthrie, Gilpatrick, Lillie, Lines, Miller, Perry, Reynolds, Snoddy, Simpson, Starns, Williams, Wilson.

And so the motion to reconsider was lost.

Mr. Winchell moved to strike out the whole of rule No. 22, upon which

The yeas and nays were demanded and called, with result as follows:

Yeas—13; nays—20.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Duntou, Fairchild, Greer, Graves, Hawkins, Lillie, Markham, Perry, Roberts, Winchell.

Those voting in the negative were

Messrs. Bailey, Buckmaster, Brumbaugh, Burris, Coffinberry, Deitzler, Evans, Guthrie, Gilpatrick, Humber, Hanway, Lines, Miller, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams, Wilson.

And so the motion to strike out was lost.

On motion the words, “and on those days only,” were added to the end of rule twenty-second, and

Rule adopted, as amended. •

Rules No. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 adopted, without amendment. •

Mr. Deitzler moved to amend Rule No. 36, by adding, at the end of the rule, the words, “upon the demand of any member.”

Lost.

Rule accepted, without amendment.

Rules No. 37, 38 and 39 adopted, without amendment.

Mr. Buckmaster moved to amend rule No. 40, by adding, "by the consent of the House," at the end of the rule.

Adopted.

Mr. Dunton moved to amend by striking out all after the word "House."

Withdrawn.

On motion of Mr. Dunton,

Rule No. 40 was referred to Mr. Winchell, as Special Committee of one.

Rules No. 41, 42, 43, 44, 45, 46, 47 adopted, without amendment.

Rule No. 48 read.

Mr. Perry moved to amend by inserting "Federal," before "Territorial officers."

Adopted.

Rules No. 49, 50, 51, 52 and 53 adopted, without amendment.

Mr. Winchell moved to strike out "four," and insert "two," in second line of rule No. 54, which was

Adopted, as amended.

Rules No. 55 and 56 adopted, without amendments..

On motion, the Special Committee of one was discharged from further consideration of rule No. 40.

Mr. Guthrie moved to reconsider the vote by which rule No. 29 was adopted.

Lost.

On motion of Mr. Bailey,

Rule No. 40 was stricken out.

On motion of Mr. Fairchild,

The rules, as amended, were adopted.

Mr. Roberts offered the following resolution, which was adopted:

Resolved, That the rules just adopted be referred to the Committee on Printing, with instructions to have the same printed, together with a list of the Standing Committees of the House, and the list of the names and Post office address of the members and officers of the House.

Mr. Bailey introduced House Bill No. 29, entitled "A Bill for the divorce of George M. Bittman from Catharine Bittman," and

House Bill No. 30, an Act entitled "An Act divorcing Marcus Malley and Angeline Malley," which was

Read first time.

House then proceeded to consider report of Committee on Elections, the question being on the adoption of the minority report, offered by Mr. Perry.

Mr. Perry moved to postpone the same until Monday morning, to procure and print evidence.

Lost.

The minority report was rejected.

The majority report, including the resolution, was adopted.

On motion of Mr. Dunton, the vote adopting the majority report, was reconsidered.

Mr. Miller moved to adjourn, to meet on Monday at the regular hour.

Lost.

The majority report of Committee on Elections adopted.

On motion of Mr. Perry, George G. Pierce was sworn in as member from the tenth district.

Mr. Roberts moved that all House bills on the calendar be read the second time, and referred to appropriate committees.

Motion adopted.

House Bill No. 7, "An Act to declare the military road from Fort Riley to Fort Larned a Territorial road,"

Read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 8, an Act entitled "An Act to declare the military road from Fort Riley to Fort Wise a Territorial road."

Read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 9, an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company.'"

Read a second time, and

Referred to Committee on Corporations.

House Bill No. 10, an Act entitled "An Act to incorporate the First Congregational Church at Manhattan,"

Read a second time, and

Referred to Committee on Corporations.

House Bill No. 11, an Act entitled "An Act to incorporate the Manhattan and Kansas River Bridge Company,"

Read a second time, and

Referred to Committee on Corporations.

House Bill No. 12, "An Act to declare the Smoky Hill Road, from Fort Riley to Denver City and Colorado City, a Territorial road and public highway,"

Read a second time, and

Referred to Committee on Roads and Highways.

House Bill No. 13, an Act entitled "An Act in relation to the construction of statutes,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 14, an Act entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,'"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 15, "An Act respecting Private Bills,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 16, an Act entitled "An Act in addition to 'An Act to establish a Code of Civil Procedure,'" approved February 11, 1859,

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 17, an Act entitled "An Act for the relief of John R. Swallow,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 18, an Act entitled "An Act locating a certain Territorial Road, therein named,"

Read a second time, and

Referred to Committee on Roads and Highways.

House Bill No. 19, an Act entitled "An Act locating a certain Territorial Road, therein named,"

Read a second time, and

Referred to Committee on Roads and Highways.

House Bill No. 20, an Act entitled "An Act to incorporate the Lawrence University of Kansas,"

Read a second time, and

Referred to Committee on Corporations.

House Bill No. 21, an Act entitled "An Act divorcing Allen Beeson from Elizabeth Beeson,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 22, an Act entitled "An Act incorporating the Pioneer Hook and Ladder Company,"

Read a second time, and

Referred to Committee on Corporations.

House Bill No. 23, an Act entitled "An Act to authorize H. D. Williams and F. J. Marshall to build a bridge across the Big Blue river,"

Read a second time, and

Referred to Committee on Roads and Highways.

House Bill No. 24, an Act entitled "An Act to incorporate the City of Marysville,"

Read second time, and

Referred to Committee on Corporations.

House Bill No. 25, an Act entitled "An Act to establish the time for paying taxes, and for other purposes,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 26, an Act entitled "An Act for the divorce of Sabra T. Wells and Alpheus Wells,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 27, an Act entitled "An Act for the divorce of Alexander Edwards and Deborah Edwards,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 28, an Act entitled "A Bill for the relief of Melissa Hoover,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 29, an Act entitled "An Act divorcing Marcus Malley from Angeline Malley,"

Read a second time, and

Referred to Committee on Judiciary.

House Bill No. 30, an Act entitled "An Act divorcing George M. Bittman from Catharine Bittman,"

Read a second time, and

Referred to Committee on Judiciary.

Mr. Morrow, as copyist of Journal, for the printer, was sworn in by the Speaker.

Mr. Greer offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be required to call upon the Secretary for means with which to procure ink stands, ink and envelopes, for the use of the members of the House.

House then adjourned until Monday, January 14th, at 10 o'clock A. M.

ALFRED GRAY,
Chief Clerk.

MONDAY, Jan. 14, 1861, }
TEN O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

— Absentees—Messrs. Bailey, Dunton, Evans, Guthrie, Greer, McCook, Perry, Reynolds, Thoman and Wood.

Prayer by Rev. Richard Cordley.

Journal read, corrected and approved.

On motion of Mr. Deitzler,

Committee on Printing were instructed to examine the Journal of the House.

On motion of Mr. Buckmaster,

Mr. David L. Lakin, of Jefferson, was sworn in as a member of the House.

Mr. Winchell offered a memorial from citizens of Osage county, to extend the time for the payment of taxes, and remission of penalty of ten per cent.

Referred to Committee on Ways and Means.

Mr. Gilpatrick offered a petition for the Incorporation of the Town of Garnett.

Referred to Committee on Incorporations.

Mr. Burris, chairman of the Committee on Judiciary, made the following reports :

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 13, “ An Act in relation to the con-

struction of Statutes," and instruct me to report the same back to the House with an amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 14, "An Act in addition to an Act entitled 'An Act respecting Notaries Public,'" and instruct me to report the same back to the House, with the following amendment. In section two, strike out "in which said Notary Public may have then resided," and insert the words "for which said Notary Public may have been commissioned."

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 15, "An Act respecting private Bills," and instruct me to report the same back to the House with amendments.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 16, an Act in addition to an Act entitled "An Act to establish a Code of Civil Procedure," approved February 11, A. D., 1859, and instruct me to report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Fairchild,

The Committee on Vice and Immorality was instructed to ascertain what had become of the members' inkstands.

Mr. Winchell moved that the House concur in the resolution of the Council, approving of the conduct of Major Anderson, pending which

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

TWO O'CLOCK P. M.

House met pursuant to adjournment.

Speaker in the chair.

The House proceeded to the consideration of the question pending at the time of adjournment.

The previous question was demanded and ordered.

The question being "will the House concur?"

The yeas and nays demanded,

Yeas—18. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Pierce, Burris, Coffinberry, Deitzler, Danton, Evans, Guthrie, Groer, Graves, Gilpatrick, Hanway, Hawkins, Lakin, Lillie, Lines, McCook, Roberts, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Fairchild, Humber, Miller, Perry, Reynolds.

Resolution adopted.

Mr. Deitzler moved to concur in resolution of the Council relative to members of Legislature visiting the county jail of Douglas county.

Withdrawn.

Mr. Fairchild offered the following resolution :

Resolved, By the House, (the Council concurring,) That we do heartily indorse the actions of the President of the United States in his late successful effort in suppressing the outrages perpetrated in Southern Kansas under one Montgomery;

Further, that we respectfully submit to the President elect, Abraham Lincoln, the propriety of the nomination of Major Anderson to the position of Secretary of War in the next administration of this government.

Which resolution, giving rise to debate,

Laid over, under the rules.

Mr. McCook offered the following resolution :

Resolved, That, while we assert our fealty to the Union and the confederation of States, as it now exists, yet we deprecate the adoption of any measures which may lead to civil war, disunion or bloodshed, and would hail with pleasure any compromise which will permanently adjust the difficulties now threatening the dismemberment of our Union.

Giving rise to debate,

Laid over, under the rule, until to-morrow.

Mr. Snoddy offered the following preamble and resolution :

WHEREAS, The Territory of Kansas has just been visited by an unprecedented drought and severe destitution of our people than was ever witnessed before in any portion of the Union ; and

WHEREAS, The friends throughout the United States have generously contributed to our relief, and still continue their labors of benevolence ; therefore,

Be it Resolved, By the House, (the Council concurring therein) That, in behalf of our constituents, we do most heartily express our gratitude to our friends throughout the Union for the numerous gifts, so early and freely bestowed, and their generous and benevolent labors in our behalf, shall ever be acknowledged with thoughtful and appreciative hearts, as the means of saving thousands in our midst from the perils of famine.

Resolved, That the late official report of Gen. Harney to the Secretary of War, in relation to the border difficulties so-called in Southern Kansas, is a medley of statements, irrelevant, scandalous and unfounded, that no Federal officer can stoop to perpetrate without being actuated by feelings wholly derogatory to his position and official character ; and the charge, therein made, that the greater portion, if not all, of the donations which are sent to sufferers in Kansas goes into the hands of this band, (referring to an alleged military organization in Linn and Bourbon counties,) and the greater portion of it is perverted from the use intended, by purchasing of arms and munitions of war for car-

rying out their plans, "is a base libel upon those having the relief goods" in charge, as well as upon the moral character of our whole people, for which the perpetrator deserves the execration of all honorable men.

Mr. Gilpatrick offered the following resolution, which was adopted:

Resolved, That a Committee of five be appointed to investigate the matter of Claims arising under the Act entitled "An Act to provide for the adjustment and payment of Claims," and an Act supplementary thereto, passed February 7 and 11, 1859; to inquire what attempts, if any, have been made to foist a portion of said Claims, as a debt against the Territory, and to inquire what, if any, attempts have been made to establish Banking institutions upon said Claims, so attempted to be fastened upon said Territory; and to inquire into all matters connected with or growing out of said Claims under said Acts; with full powers to send for persons and papers, to compel the attendance of witnesses, and to do all the things necessary for a full investigation of all matters connected with said Claims, or growing out of or connected with all matters and doings which have been had under or by virtue of said Act, with power to report by Bill or otherwise.

Committee, Messrs. Gilpatrick, Guthrie, Deitzler, Lillie.

On motion, Mr. Deitzler was excused from serving on said Committee.

Mr. Winchell offered the following preamble and resolution, which was adopted:

WHEREAS, The unparalleled drought has deprived the people of Kansas of the means of self support and of the necessary means for the successful prosecution of agricultural pursuits during the coming summer; [therefore,]

Resolved, That a Committee of three be appointed to memorialize Congress to make an appropriation in accordance with the suggestions of the President in his annual Message, sufficient to secure a supply of spring wheat and other grains for the purpose of seed.

Committee, Hanway, Lakin and Graves.

Mr. Winchell offered the following resolution, which was adopted:

Resolved, That the Committee on Militia be instructed to inquire into the necessity of any military organization in the Territory, or if any special provisions for the protection of any deposits of arms within our limits are needed, and to report as soon as practicable, by Bill or otherwise.

Mr. Greer offered the following resolution, which was adopted :

Resolved, That W. Y. Roberts be and he is hereby declared Speaker *pro tem.*, of the House of Representatives.

Mr. Dunton offered the following resolution, which was adopted :

Resolved, That the Clerk of the House is hereby directed to send by mail a copy of a resolution approving of the course of Major Anderson, duly authenticated by the President and Secretary of the Council, and the Speaker and Clerk of the House, to Major Anderson.

Mr. Bowker offered the following resolution :

Resolved, That the Committee on Federal Relations be instructed to prepare and report a joint memorial to Congress, asking an appropriation of land equal in value to the sixteenth and thirty-sixth sections in every township within the limits of those portions of the Territory now unprovided with school lands.

Giving rise to debate,

Laid over under the rule.

Mr. Roberts offered the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be instructed to procure a set of pigeon holes, sufficient to file the papers of the House, for the Docket Clerk.

Mr. Deitzler offered the following resolutions,

Which, giving rise to debate, were

Laid over, under the rules :

Resolved, That the gratitude of the people of Kansas is due and is hereby tendered to the Senate of the United States for its adoption of an amendment to the House Pacific Rail Road Bill, which provided for the location of said much needed national thoroughfare through the center of the Territory of Kansas.

Resolved, That we respectfully urge upon the Senate and House of Representatives the immediate passage of the Pacific Rail Road Bill, as amended by the Senate.

Resolved, That the Speaker be directed to forward a copy of the above resolutions to our delegate in Congress.

Mr. Anderson offered the following resolution,

Which, giving rise to debate, was

Laid over, under the rules ;

Resolved, That the Sergeant-at-Arms be empowered to appoint such assistants as he may deem necessary, subject to the approval of the House.

On motion of Mr. Deitzler,

The Sergeant-at-Arms was instructed to distribute postage stamps, in his possession, to the members.

Mr. Markham offered the following resolution, which was

Laid upon the table until to-morrow :

Resolved, That five hundred copies of the annual report of the Territorial Superintendent of Common Schools, be printed for the use of the House.

Mr. Roberts, Chairman of Committee on Rules, made the following report :

JOINT RULES.

RULE 1. Each House shall, as soon as organized, report that fact to the other House ; and the two Houses shall, by Joint Committee, inform the Governor that they are ready to receive any communication he may have to make.

RULE 2. Messages from one House to the other, shall be carried by their Clerks respectively, unless the House transmitting the message shall specially direct otherwise.

RULE 3. In Joint Convention of the two Houses, the Speaker of the House shall preside.

RULE 4. Each House shall transmit to the other, all papers on which any Bill or Resolution may be founded.

RULE 5. It shall be in the power of either House to amend any amendment made by the other, to any Bill or Resolution.

RULE 6. When a Bill or Resolution, which shall have passed

in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

RULE 7. In case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a Committee for that purpose; and the other House shall appoint a similar Committee. The Committees shall meet at the time and place appointed by the Chairman of the Committee on the part of the House requesting such conference. The Committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both Houses. The report of the Committee shall be in writing, and shall be sent to the House assenting to the conference. When such House shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

RULE 8. It shall be in order for either House to recede from any subject matter of difference subsisting between the two Houses, at any time previous to conference, whether the papers on which such difference arose, are before the House receding, formally or informally.

RULE 9. If the two Houses adhere to their disagreement, or if as many as two Committees of Conference have been appointed, and cannot agree, the Bill which is the subject of difference shall be deemed lost, and shall not be revived, in either House, during that session.

RULE 10. All Joint Committees, and all Committees of Conference, shall consist of three members of the Council, and five members of the House, unless otherwise specially ordered by Concurrent Resolution.

RULE 11. The same Bill shall not create, renew, continue, or alter more than one incorporation; but this rule shall not apply to corporations formed under general laws, nor to Bills consolidating corporations.

RULE 12. When a Bill shall have passed one House, which requires the concurrence of the other, it shall be transmitted to such House without entering an order on the journal.

RULE 13. After a bill shall have passed both Houses, it shall be neatly enrolled by the Enrolling Clerk of the House in which it originated.

RULE 14. After a bill is duly enrolled, it shall be examined by the Joint Committee on enrolled Bills, who shall carefully compare the enrolled Bill with the engrossed Bill, as passed in the two Houses, and correct any errors that may be discovered in the enrolled Bill, and report forthwith, in writing, to the House in which the Bill originated, which report shall be entered on the journal of that House, and they shall return the engrossed Bill

to the Enrolling Clerk of the House in which it originated. After such examination and report, the Committee shall present the Bill to the Speaker of the House, for his signature, and, if the bill originated in the House, to the Chief Clerk, who shall certify to that fact, on the back of the roll; after which the Committee shall present the Bill to the President of the Council, for his signature, and, if the Bill originated in the Council, to the Secretary for his signature. Immediately after a Bill is properly signed, the Committee shall present it to the Governor for his signature, and report, in writing, to the House in which it originated, the day of the week, and date of the month, on which such Bill was so presented, which report shall be entered on the journal of that House.

RULE 15. All Joint Orders, Memorials, Resolutions and Votes which are to be presented to the Governor, for his approval, shall be treated in the same manner as Bills.

RULE 16. The Committees of each House, on Territorial Expenditures, Legislative Expenditures, and Enrolled Bills, shall act jointly, and be considered Joint Committees of the two Houses.

RULE 17. No item shall be inserted in any Bill, appropriating money, until it shall have been examined by the Joint Committee on Territorial Expenditures; and no money shall be appropriated except by Bill.

RULE 18. The General Appropriation Bill shall be introduced into the House at least ten days before the close of the Session, and passed and sent to the Council at least five days before the close of the Session.

RULE 19. No Bill, or other paper, shall be printed until so ordered by one or the other House; and such order shall specify the number for each member, officer and Territorial officer.

RULE 20. Orders to print, unexecuted, expire at the close of the Session; and no document shall be printed or delivered, after the final adjournment, unless under some law or resolution of the two Houses.

RULE 21. Whenever there shall be an election of officers, by the joint action of the two Houses, the result shall be certified by the President of the Council and Speaker of the House, and shall be reported by each to their respective Houses; which report shall be entered on the journal of each, and shall be communicated to the Governor by the clerks of the two Houses jointly.

RULE 22. A majority of the members elect to each House, shall constitute a quorum in that House. And when a quorum is present, a majority shall have power to pass any Bill or other paper; and, also, to adopt all motions and resolutions not spe-

cially prohibited by rule; and two-thirds shall have power to pass a Bill, or other paper, over the veto of the Governor.

RULE 23. These Rules may be changed or suspended, by Concurrent Resolution, on the vote of two-thirds of the members present in each House.

RULE 24. No Bill shall be originated in either House after thirty days from the commencement of the Session.

Resolved, That the Joint Rules, reported by the Committee, be printed.

Resolved, That the Committee be discharged from the further consideration of the subject.

W. Y. ROBERTS,
Chairman.

Mr. Pierce, from Committee on Vice and Immorality, made the following report, which was adopted:

MR. SPEAKER :—The Committee on Vice and Immorality, to whom was referred the matter of the mysterious disappearance of the inkstands, furnished the members of the House by the Secretary of the Territory, for the purpose of making inquiries relative thereto, would respectfully report as follows:

Your Committee are informed by the Sergeant-at-Arms that he placed upon the tables of the members and officers of the House, immediately after the organization thereof at Lecompton, forty-two inkstands; that previous to the removal to Lawrence, a portion of said inkstands were abstracted from the tables, but by whom and for what purpose they were so abstracted, he is utterly unable to inform your Committee; that he brought down from Lecompton and distributed upon the desks of the members, immediately upon the organization at Lawrence, about twenty-five inkstands, and procured from the Secretary of the Territory twelve additional inkstands, which were disposed of in the same manner; that the doors of the hall occupied by the House have been securely fastened during the adjournment of the House, and that no person has had admittance thereto without his knowledge, and that the present scarcity in the matter of inkstands, he is utterly unable to account for from any fact within his knowledge. In view of these facts, your Committee would respectfully recommend that, without formal action on the subject by the House, each member thereof should consider himself bound by the laws of courtesy and good breeding, to refrain from removing from the hall any of those conveniences furnished upon the tables by the Secretary of the Territory for the transaction of business in their public capacity.

Mr. Winchell introduced the following bills :

House Bill No. 31, an Act entitled "An Act to establish a Territorial road," which was

Read first and second times, and

Referred to Committee on Roads and Highways.

Also, House Bill No. 32, an Act entitled "An Act to change the name of Abraham Lawsing to John Wells," which was

Read first and second times, and

Referred to Committee on Judiciary.

Also, House Bill No. 33, an Act entitled "An Act diminishing the rates of interest," which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Dunton introduced the following Bills :

House Bill No. 34, an Act entitled "An Act to incorporate the First Baptist Church in the city of Manhattan," which was

Read the first and second times, and

Referred to Committee on Corporations.

Also, House Bill No. 35, an Act entitled "An Act divorcing Anson B. Spinney and Margaret Jane Spinney," which was

Read first and second times, and

Referred to Committee on Judiciary.

Also, House Bill No. 36, an Act entitled "An Act divorcing Clark W. Lewis and Sarah Lewis," which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Reynolds introduced House Bill No. 37, an Act entitled

“An Act supplemental to an Act to organize the county of Dickinson,” which was

Read first and second times, and

Referred to Committee on Counties and County Lines.

Also, House Bill No. 38, an Act entitled “An Act to change the name of John Willham Hobbs to John William Harman, which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Starns introduced House Bill No. 39, an Act entitled “An Act respecting the duties of county and township officers,” which was

Read first and second times, and

Referred to Committee on Judiciary.

Also, House Bill No. 40, an Act entitled “An Act to amend an Act relating to common schools,” which was

Read first and second times, and

Referred to Committee on Education.

Mr. Guthrie introduced House Bill No. 41, an Act entitled. “An Act respecting petitions and memorials of an adverse nature,” which was

Read first and second times.

Mr. Lillie introduced House Bill No. 42, an Act entitled “An Act defining the southern boundary of Breckinridge county,” which was

Read first and second times, and

Referred to Committee on Counties and County Lines.

Also, House Bill No. 43, an Act entitled “An Act to provide for transcribing certain records,” which was

Read first and second times, and

Referred to Committee on Judiciary.

Also, House Bill No. 44, an Act entitled "An Act to legalize the official acts of certain persons therein named," which was

Read first and second times, and

Referred to Committee on Judiciary.

Also, House Bill No. 45, an Act entitled "An Act divorcing Mary Ann Allen and Ezra G. Allen," which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Deitzler introduced House Bill No. 46, an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the Kansas Central Telegraph Company,'" approved February 11, 1859, which was

Read first and second times, and

Referred to Committee on Corporations.

Mr. Wilson introduced House Bill No. 47, an Act entitled "An Act to amend an Act therein named," which was

Read first and second times, and

Referred to Committee on Roads and Highways.

Mr. Simpson introduced House Bill No. 48, an Act entitled "An Act repealing an Act relating to sales of real property," which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Coffinberry introduced House Bill No. 49, an Act entitled "An Act legalizing the acts of the County Commissioners of Nemaha county, Kansas Territory," which was

Read first and second times, and

Referred to Committee on Judiciary.

Also, House Bill No. 50, an Act entitled "An Act to legalize the acts of Haven Starr, Probate Judge of Nemaha county, Kansas Territory," which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Evans introduced House Bill No. 51, an Act entitled "An Act to amend the Code of Civil Procedure," which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Graves introduced House Bill No. 52, an Act entitled "An Act establishing the county of Wayne," which was

Read first and second times, and

Referred to Committee on Counties and County Lines.

On motion of Mr. Winchell, the following appointments by Enrolling Clerk, were confirmed ; said assistants to receive no pay until they commence work :

I would inform your honorable body that I have appointed the following named gentlemen as assistant Enrolling Clerks, and ask that they may be confirmed :

L. D. JOY, of Osage county.

JAMES SMITH, of Marshall county.

H. S. SLEEPER, of Breckinridge county.

P. H. BERKAU, of Douglas county.

JOHN L. WILSON,
Enrolling Clerk.

On motion of Mr. Perry,

House adjourned until to-morrow at ten o'clock A. M.

ALFRED GRAY,
Chief Clerk.

TUESDAY, Jan. 15, 1861, }
TEN O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Pierce, Burris, Cowles, Dunton, Fairchild, Guthrie, Kean, McCook, Perry and Wood.

Journal of yesterday read, corrected and approved.

Mr. Perry presented the petition of H. D. Williams and ninety-five others, praying for the passage of a charter to build a bridge across the Big Blue river at Marysville, Marshall county.

Referred to Committee on Roads and Highways.

Mr. Miller presented a petition for the divorce of Almarinda Todd and Henry R. Todd.

Referred to Committee on Judiciary.

Mr. Pierce presented instructions to the representative of the 10th District, in relation to a bridge charter at Marysville.

Referred to Committee on Roads and Highways.

Mr. Bailey presented a petition of John W. Billinger and forty-nine others, praying for the passage of an Act giving him authority to build a dam across the Big Blue river.

Referred to Committee on Incorporations.

Mr. Deitzler presented a petition of citizens of Quindaro, praying for the passage of an Act to attach said township of Quindaro to the county of Leavenworth.

Referred to Committee on Counties and County Lines.

Mr. Burris, Chairman of Committee on Judiciary, made the following report :

MR. SPEAKER : The Committee on the Judiciary have had under consideration House Bill No. 48, "An Act respecting an Act relating to the sale of real property," and instruct me to report the same back without amendment.

JOHN T. BURRIS,
Chairman.

The Committee on Judiciary having had under consideration House Bill No. 32, "An Act to change the name of Abraham Lawsing to John Wells," instruct me to report the same back to the House with the following amendment: Add to the title the words, "and legalizing his official acts."

JOHN T. BURRIS,
Chairman.

Mr. Deitzler offered the following resolution, which was laid over, under the rules :

Resolved, That the Committee on Judiciary be instructed to inquire into the legality of certain warrants and bonds issued under the Act entitled "An Act to provide for the adjustment and payment of Claims," approved February, A. D. 1859, and to report what legislation, if any, is necessary in the premises.

Mr. Pierce offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to inform the Secretary of the Territory of the deficiency of keys to the desks of the members, and to request of said Secretary to supply such deficiency of keys.

Mr. Perry moved to amend by inserting "keys and locks."

Accepted.

Mr. Thoman moved to amend by instructing him to "cover the desks."

Accepted, and

Resolution adopted, as amended.

Mr. Pierce offered the following resolution, which was laid on the table, under the rules :

Resolved, By the House of Representatives of Kansas Territory, (the Council concurring,) That a Committee, to be composed of three members of the House and two of the Council, be appointed to inquire respecting the relief funds, heretofore distributed by the Kansas Relief Committee, in the Territory of Kansas, and report to this Legislature, as soon as practicable, whatever facts they may be able to obtain, and, also, whatever action they may deem most expedient for this Legislature to adopt in order to maintain the honor and integrity of the people of Kansas, before the world, in view of the representations relative to the subject of this resolution, contained in official report of Brigadier-General W. S. Harney, to the Secretary of War, of the United States, under date of the 17th December, A. D. 1860.

The following resolution was called up, and

On motion of Mr. Winchell,

Indefinitely postponed.

Resolved, That we do heartily indorse the actions of the President of the United States, in his late successful efforts in suppressing the outrages perpetrated in Southern Kansas, under one Montgomery: Further, That we submit to the President elect, Abraham Lincoln, the propriety of the nomination of Major Anderson to the position of Secretary of War of the next administration of this government.

The following resolution came up, under the rules, for consideration:

Resolved, That, while we assert our fealty to the Union and the Confederation of States, as it now exists, yet we deprecate the adoption of any measures which may lead to civil war, disunion, or bloodshed, and would hail with pleasure any compromise which will permanently adjust the difficulties now threatening a dismemberment of our Union.

Mr. Dunton moved the following, as a substitute:

Resolved, By the House, (the Council concurring,) That we assert our fealty to the Union and Confederation of States; that we heartily approve of the course taken by the State of New York, in offering to the President of the United States men and money to assist him in subduing the traitors who are now conspiring to dissolve the Union, and destroy the Government under which we live; and, while our poverty precludes us from doing likewise,

we respectfully request the loyal States of Maryland and Virginia, Missouri, Kentucky and Tennessee to thus cooperate with the State of New York, and the President of the United States, in protecting the Union and the Constitution.

Mr. Deitzler moved to refer the resolutions to the Committee on Federal Relations.

Mr. Buckmaster moved to indefinitely postpone the resolutions.

Message from the Council :

MR. SPEAKER:—I am directed to notify the House that the Council has adopted the following order, and request your concurrence :

Resolved, By the Council, (the House concurring,) That there be a Joint Committee of two on the part of the Council, and three on the part of the House, whose duty it shall be to revise the Election and School Laws, of this Territory, with a view to harmonize them with the county and township organizations.

Also, that the Council has passed Council Joint Resolution Memorializing Congress for the survey and sale of certain lands.

JOHN J. INGALLS,
Secretary.

Upon the question to postpone,

A division of the question was ordered, and

The question taken upon the postponement of the substitute.

Yeas and nays were demanded, with the following result:

Yeas—15. Nays—19.

Those voting in the affirmative were

Messrs. Buckmaster, Burris, Evans, Fairchild, Greer, Humber, Lakin, Markham, Miller, McCook, Perry, Reynolds, Starns and Williams.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Burnett, Pierce, Coffinberry, Deitzler, Dunton, Guthrie, Graves, Gilpatrick, Hanway, Lillie, Lines, Roberts, Snoddy, Simpson, Thoman, Wilson and Winchell.

And so the House refused to postpone the substitute.

Question was then taken on the postponement of the original.

Upon which the yeas and nays were demanded, with the following result:

Yeas—6. Nays—27.

Those voting in the affirmative were

Messrs. Pierce, Burris, Greer, Graves, Dunton and Snoddy.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Coffinberry, Deitzler, Evans, Fairchild, Guthrie, Gilpatrick, Humber, Hanway, Lakin, Lillie, Lines, Markham, McCook, Perry, Reynolds, Roberts, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

On motion, both resolution and substitute were referred to Committee on Federal Relations.

Mr. Lines offered the following resolution, and asked to have the same referred to the Committee on Federal Relations, which was laid upon the table, under the rule:

Resolved, By the Legislative Assembly of the Territory of Kansas, First, That we denounce as traitors to the Government under which we live, all men, communities or States, who advocate the doctrine that any individual, State or number of States, have the right to secede from the Union, except so far as such right may be merged in that of revolution.

Second, That the right of revolution can never be properly exercised except when the direct and positive oppressions of the Government become absolutely unendurable.

Third, That the Chicago platform, upon which Abraham Lincoln was elected President of the United States, contains no doctrine that has not been held by a large portion of our people, both North and South, from the day that the Stars and Stripes were first unfurled; and the assertion that his election was consummated with the design of making the States all free, is an unmitigated falsehood, as well understood by its authors as it can be by us, and the pretense set up in the South, and basely reiterated by unprincipled editors, government officials, and dema-

gogues generally, in the North, that the Southern people have been subjected to such grievous wrongs, at the hands of the North, as fully to justify their present treasonable movements, is unsustained by the records of the past or the facts as they now exist.

Fourth, That we deeply deplore the present revolutionary action in the Southern States, involving, if not speedily averted, the utter destruction of one of the fairest portions of our land, and the irretrievable ruin of millions of our fellow citizens in that section of the country, as innocent as ourselves, but who have no power to quell the storm or protect themselves from its fury; and we denounce, first and foremost, the northern conspirators who, by their gross libels upon their neighbors and wholesale falsehoods in reference to northern sentiment, sown broadcast over the southern States, have been instrumental in bringing upon the country this most terrible of all earthly calamities, as deserving for their crimes the vengeance of heaven and the condemnation of all honest men.

The following preamble and resolution was called up for consideration, under the rule:

WHEREAS, The Territory of Kansas has just been visited by an unprecedented drought that has resulted in more general and severe destitution of our people than was ever witnessed before in any portion of the Union; and

WHEREAS, The friends of Kansas, throughout the United States, have generously contributed to our relief, and still continue their labors of benevolence; therefore,

Be it resolved, By the House of Representatives, (the Council concurring therein,) That, in behalf of our constituents, we do most heartily express our gratitude to our friends throughout the Union for the numerous gifts so early and freely bestowed, and their generous and benevolent labors in our behalf shall ever be acknowledged, with thankful and appreciative hearts, as the means of saving thousands in our midst from the perils of famine.

Resolved, That the late official report of General Harney to the Secretary of War, in relation to the "Border Difficulties," so called, in Southern Kansas, is a medley of statements, irrelevant, scandalous and unfounded, that no Federal officer can stoop to perpetrate without being actuated by feelings wholly derogatory to his position and official character; and the charge therein made that "the greater portion, if not all, of the donations which are sent to sufferers in Kansas, goes into the hands of this band, (referring to an alleged military organization in Linn and Bourbon counties,) and the greater portion of it is perverted from the

use intended, by purchasing of arms and munitions of war for carrying out their plans," is a base libel upon those having the relief goods in charge, as well as upon the moral character of our whole people, for which the perpetrator deserves the execration of all honorable men.

Mr. Fairchild moved to adopt the preamble and resolution.

On motion of Mr. Burris,

It was referred to Committee on Federal Relations.

The following resolution was called up for consideration, under the rules :

Resolved, That the Committee on Federal Relations be instructed to prepare and report a Joint Memorial to Congress asking an appropriation of land, equal in value to the sixteenth and thirty-sixth sections, in every county within the limits of the Territory, now unprovided with school lands.

Mr. Bowker moved to adopt the resolution.

On motion of Mr. Roberts,

"Committee on Education" was substituted for "Committee on Federal Relations," in resolution, and

Adopted, as amended.

The following resolution was called up for consideration, under the rules :

Resolved, That the gratitude of the people of people of Kansas is due and is hereby tendered to the Senate of the United States for its adoption of an amendment to the House Pacific Railroad Bill, which provides for the location of said much needed national thoroughfare through the center of the Territory of Kansas.

Resolved, That we respectfully urge upon the Senate and House of Representatives, the immediate passage of the Pacific Railroad Bill, as amended by the Senate.

Resolved, That the Speaker be directed to forward a copy of the above resolution to our delegate in Congress.

Mr. Deitzler moved to adopt the resolution.

Mr. Bailey moved to refer the same to Committee on Corporations.

Lost.

Previous question was demanded,

On which the yeas and nays were demanded.

The result was as follows :

Yeas—19. Nays—12.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Buckmaster, Burris, Coffinberry, Deitzler, Evans, Fairchild, Greer, Hawkins, Lakin, Markham, Miller, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams.

Those voting in the negative were

Messrs. Bailey, Burnett, Dunton, Guthrie, Graves, Humber, Hanway, Lines, Perry, Pierce, Roberts, Wilson, Winchell.

Previous question was ordered.

The yeas and nays were demanded, with the following result:

Yeas—24. Nays—7.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Deitzler, Dunton, Evans, Fairchild, Greer, Humber, Hanway, Hawkins, Lakin, Miller, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams.

Those voting in the negative were

Messrs. Pierce, Coffinberry, Guthrie, Graves, Markham, Wilson and Winchell.

Mr. Lines was excused from voting.

And so the resolution was

Adopted.

On motion, House adjourned until two o'clock, P. M.

AFTERNOON SESSION.

Two o'clock P. M.

House met pursuant to adjournment.

Speaker in the Chair.

The following resolution, offered by Mr. Anderson on yesterday, was adopted:

Resolved, That the Sergeant-at-Arms be empowered to appoint such assistants as he may deem necessary, subject to the approval of the House.

The following resolution was called up for consideration, under the rules:

Resolved, That five hundred copies of the annual report of the Territorial Superintendent of Common Schools be printed for the use of the House.

[See report, commencing on page 23.—PRINTER.]

On motion of Mr. Fairchild,

Resolution was amended by striking out "five hundred" and inserting "two thousand."

Resolution, as amended, adopted.

Mr. Burris moved the adoption of the following resolution, which came up under the rules:

Resolved, That the Chief Clerk and Engrossing Clerk each be authorized to appoint such assistants as they may need, respectively, such appointment, in each case, to be reported to the House for its approval.

Mr. Winchell moved to strike out "Chief Clerk."

Motion prevailed, and

Resolution, as amended, adopted.

Mr. Bailey offered the following resolution, which was laid over, under the rule:

Resolved, That J. M. Harlam be and is hereby elected assistant Journal Clerk of the House of Representatives.

Mr. Burris introduced House Bill No. 53, an Act entitled "An Act supplemental to an Act entitled 'An Act to enable the Trustees of Colleges, Academies, Universities and other Institutions, Societies and Companies to become bodies corporate,'" which was

Read first time.

Mr. Burris, Chairman Committee on Judiciary, submitted the following report:

The Judiciary Committee, to whom was referred House Bill No. 49, an Act entitled "An Act legalizing the acts of the county commissioners of Nemaha county, Kansas Territory," and

House Bill No. 50, an Act entitled "An Act to legalize the acts of Haven Starr, Probate Judge of Nemaha county, Kansas Territory," have had the same under consideration and report the accompanying Bill as a substitute for said Bill, and recommend its passage.

J. T. BURRIS,
Chairman.

On motion of Mr. Burris,

Rules were suspended, and

House Bill No. 55, an Act entitled "An Act to establish a Ferry at the town of De Soto," was

Read a second time, and

Referred to Committee on Corporations.

Mr. Pierce introduced House Bill No. 56, an Act entitled "An Act permanently locating the county seat of Washington county, Kansas Territory."

Also, House Bill No. 57, an Act entitled "An Act respecting the location of county seats," which were

Read first time.

Mr. Hawkins introduced House Bill No. 58, an Act entitled

"An Act amendatory to an Act for the regulating of the running at large of Swine," approved Feb. 28, 1860, which was

Read first time.

Mr. Bowker introduced House Bill No. 59, an Act entitled "An Act to amend 'An Act defining the mode of laying out and establishing roads.'"

Also, House Bill No. 60, an Act entitled "An Act pardoning Robert McNoun," which were

Read first time.

Mr. Markham introduced House Bill No. 61, an Act entitled "An Act to amend the charter of the Roseport and Marysville and Palmetto Railroad Company."

Also, House Bill No. 62, an Act entitled "An Act for the relief of Hezekiah Jackson."

Also, House Bill No 63, an Act entitled "An Act for the relief of William Roe."

Also, House Bill No. 64, an Act entitled "An Act to incorporate the Missouri, Kansas and Neosho Valley Railroad Company," which were

Read the first time.

Mr. Greer introduced House Bill No. 65, an Act entitled "A Bill for the relief of S. P. Thompson," which was

Read the first time.

Mr. Dunton introduced House Bill No. 66, an Act entitled "An Act to define the northern boundary of Davis county," which was

Read the first time.

Leave was given to Mr. Bailey to withdraw petition and bill of Henry Smith for divorce.

Mr. Dunton moved to suspend the rules, and that all Bills read

first time to-day be read second time and referred to their appropriate committees.

Lost.

Mr. Deitzler moved that the Committee on Corporations be discharged from further consideration of House Bill No. 20, an Act entitled "An Act to incorporate the Lawrence University of Kansas," and that the House proceed to the consideration of the bill.

Lost.

On reading General Orders,

House Bill No. 3, an Act entitled "An Act to repeal certain laws therein named ;"

Also, House Bill No. 5, an Act, entitled "An Act respecting the taking effect of public Acts," and

House Bill No. 13, an Act entitled "An Act in relation to the construction of Statutes," were called up.

Whereupon the House went into Committee of the Whole for the consideration of the same.

Mr. Roberts in the chair.

The Speaker resumed the chair, and received the following

Message from the Council :

MR. SPEAKER :—I am directed to notify the House of Representatives that the Council have passed Council Bill No. 18, "An Act establishing the boundary line between Shawnee and Osage counties," and request your concurrence.

JOHN J. INGALLS,
Secretary.

The Committee of the Whole having disposed of all the bills referred to it, rose and reported through Mr. Roberts, as Chairman :

That the Committee of the Whole had had under consideration House Bill No. 3, "An Act to repeal certain laws therein

named," and had instructed its Chairman to report the same to the House with amendments.

Also, House Bill No. 5, "An Act respecting the taking effect of public Acts," with information that the Committee had stricken out the enacting clause of the bill.

Also, House Bill No. 13, "An Act relative to the construction of Statutes," without amendment.

On motion, the report of the Committee was considered separately as to each Bill reported.

On motion of Mr. Miller, the amendments to House Bill No. 3, an Act entitled "An Act to repeal certain laws therein named," as reported by Committee of the Whole, was rejected.

On motion of Mr. Winchell,

The rules were suspended, the Bill considered engrossed, and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows :

Yeas—27. Nays—3.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Miller, Perry, Pierce, Roberts, Simpson, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Bailey, Snoddy and Starns.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Guthrie, consideration of report of Committee of the Whole on House Bill No. 5, an Act entitled "An Act respecting the taking effect of public Acts," was

Postponed until to-morrow.

On motion of Mr. Pierce,

Rules were suspended, and

House Bill No. 13, an Act entitled "An Act in relation to the construction of Statutes," was

Considered engrossed, and

Read a third time.

The question being, "Shall the Bill pass?" the following was the result :

Yeas—30. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Evans, Guthrie, Greer, Gilpatrick, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Miller, Perry, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Dunton and Graves.

And so the Bill passed.

The title was agreed to.

House Bill No. 14, an Act entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public ;' "

Also, House Bill No. 15, an Act entitled "An Act respecting private Bills."

Also, House Bill No. 16, an Act entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved February 11th, 1859, having been called,

The House went into Committee of the Whole to consider the same.

Mr. Winchell in the chair.

After some time spent therein,

The Committee arose, and, through their Chairman, reported progress, and asked leave to sit again.

Leave granted.

The Speaker appointed Mr. Deitzler on the Special Committee appointed to investigate Claims.

On motion, the House adjourned until to-morrow at 10 o'clock A. M.

ALFRED GRAY,
Chief Clerk.

WEDNESDAY, Jan. 16, 1861, }
TEN o'clock, A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees, Messrs. Burris, Cowles, Deitzler, Dunton, Fairchild, Guthrie, Gilpatrick, Humber, Hawkins, Kean, Lillie, Miller, Perry and Thoman.

Journal of yesterday read, corrected and approved.

Mr. Lillie introduced a petition of Mary H. Allen, praying for a divorce.

Referred to Committee on Judiciary.

Mr. Anderson introduced a petition of T. J. Anderson, and 35 others, praying for the location of a road therein named.

Referred to Committee on Roads and Highways.

Mr. Bailey, Chairman of the Committee on Corporations, presented the following report:

The Committee on Corporations and Banking, to whom was referred House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas," have had the same under consideration, and beg leave to report the same back as committed.

D. H. BAILEY,
W. Y. ROBERTS,
G. H. FAIRCHILD,
R. GILPATRICK.

The Committee on Corporations and Banking, to whom was referred House Bill No. 22, entitled "An Act incorporating the Pioneer Hook and Ladder Company No. 1," have had the same under consideration, and beg leave to report the same back as committed.

D. H. BAILEY,
W. Y. ROBERTS,
G. H. FAIRCHILD,
R. GILPATRICK.

The Committee on Corporations and Banking, to whom was referred House Bill No. 55, entitled "An Act to establish a Ferry at the town of De Soto," have had the same under consideration, and beg leave to report the same back with the following amendment, to wit:

Strike out in section — all words and figures fixing the rate of toll, and insert, "That the rates of ferriage to be charged at said Ferry shall be such as shall, from time to time, be prescribed by the tribunal transacting county business for the county aforesaid."

D. H. BAILEY,
W. Y. ROBERTS,
R. GILPATRICK.

Mr. Burris, Chairman of Committee on Judiciary, made the following report:

MR. SPEAKER:—The Committee on the Judiciary having had under consideration House Bill No. 25, "An Act to extend the time for paying Taxes and for other purposes," instruct me to report the same back to the House, with the following amendment: Strike out the word "November," wherever the same occurs, and insert "December."

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary having had under consideration House Bill No. 58, entitled “An Act to change the name of John William Hobbs to John William Harman,” instruct me to report the same back to the House, amended by striking out the 2d section thereof.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary having had under consideration House Bill No. 51, entitled “An Act to amend the Code of Civil Procedure,” instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Greer,

Council Bill No. 18, entitled “An Act establishing the boundary line between Shawnee and Osage counties,” was

Read first time.

Mr. Greer moved that the rules be suspended, the Bill read a second time and referred.

Lost.

On motion,

House concurred in resolution of Council relative to the appointment of a Committee to confer with the Board of Douglas County Commissioners, in relation to the members of the Legislature visiting the Douglas County Jail.

Committee on part of the House—Messrs. Deitzler and Thoman.

On motion,

Concurrent resolution of Council, relative to the appointment of Joint Committee to revise Election and School Laws, was concurred in.

Committee on part of the House—Messrs. Winchell, Williams and Miller.

Mr. Humber offered the following resolution, which was adopted:

Resolved, That the Door-keeper be requested to keep, during prayer, the door shut, allowing no admittances until services are ended.

On motion of Mr. Bowker,

It was ordered that the Joint Memorial of the Council and House of Representatives, of the Territory of Kansas, to the Congress of the United States, offered by Mr. Bowker, in relation to Indian affairs, be referred to a Special Committee of three.

Committee—Messrs. Bowker, Perry and Hanway.

On motion of Mr. Snoddy,

Mr. Berkau was sworn into office as Assistant Enrolling Clerk.

Mr. Guthrie presented the following report of the Sergeant-at-Arms :

The undersigned, Sergeant-at-Arms of the House, to appoint an assistant, respectfully recommends that the House appoint either C. W. Clarkson or Francis House, as the House shall see fit.

F. O. SAWIN.

On motion,

The House proceeded to the election of assistant Sergeant-at-Arms.

Mr. Buckmaster nominated Mr. Charles Clarkson.

Mr. Roberts nominated Mr. Francis House.

Mr. Clarkson received 21 votes, and

Mr. House received 13 votes.

Mr. Clarkson was declared duly elected, who was

Sworn in by the Speaker.

The following resolution being under consideration :

Resolved, That the Committee on Judiciary be instructed to inquire into the legality of certain warrants and bonds issued under an Act entitled "An Act for the adjustment and payment of Claims," approved February, A. D. 1859, and to report what legislation, if any, is necessary in the premises.

Mr. Deitzler moved its adoption.

The yeas and nays being demanded, the result was as follows :

Yeas—4. , Nays—29.

Those voting in the affirmative were

Messrs. Anderson, Coffinberry, Deitzler and Winchell.

Those voting in the negative were

Messrs. Bailey, Bowker, Buckmaster, Pierce, Burnett, Burris, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Lakin, Lillie, Lines, Miller, McCook, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson.

Resolution lost.

Message from the Council :

MR. SPEAKER:—I am directed to notify your Honorable body that the Council has passed Council Bill No. 2, entitled "An Act to repeal an Act entitled 'An Act for the benefit of Livery Stable Keepers.'"

Council Bill No. 4, entitled "An Act to incorporate the Springdale Town Company."

Council Bill No. 5, entitled "An Act divorcing Mary Hough and Henry E. Hough."

Council Bill No. 7, entitled "An Act legalizing the assessment of taxes in Pottawattamie county."

Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of Justice of Pottawattamie county," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Roberts moved that the report of Committee on Joint Rules be taken up and considered.

Withdrawn.

The following resolution being under consideration :

Resolved, By the House of Representatives of Kansas Territory, (the Council concurring,) That a Committee, to be composed of three members of the House and two of the Council, be appointed to inquire respecting the relief funds, heretofore distributed by the Kansas Relief Committee, in the Territory of Kansas, and report to this Legislature, as soon as practicable, whatever facts they may be able to obtain, and, also, whatever action they may deem most expedient for this Legislature to adopt, in order to maintain the honor and integrity of the people of Kansas, before the world, in view of the representations relative to the subject of this resolution, contained in official report of Brigadier-General W. S. Harney, to the Secretary of War, of the United States, under date of the 17th December, A. D. 1860.

Mr. Pierce moved its adoption.

Mr. Deitzler moved to amend by inserting the following :

“ And the amount of relief funds now in their possession,”
after the words “ Territory of Kansas.”

Amendment agreed to.

On motion of Mr. Snoddy, the resolution as amended was

Referred to Committee on Federal Relations.

Mr. Winchell, with leave, introduced the following resolution, which was

Laid over :

Resolved, (the Council concurring,) That the Joint Rules, reported by the Joint Committee on Rules, be and hereby are adopted as the Joint Rules for the government of the Council and House of Representatives.

The following resolution being under consideration,

On motion of Mr. Lines, it was

Referred to Committee on Federal Relations :

Resolved, By the Legislative Assembly of the Territory of Kansas :

First, That we denounce as traitors to the government under

which we live, all men, communities or States, who advocate the doctrine that any individual State or number of States have the right to secede from the Union, except so far as such right may be merged in that of revolution.

Second, That the right of revolution can never be properly exercised, except when the direct and positive oppression of the government becomes absolutely unendurable.

Third, That the Chicago Platform, upon which Abraham Lincoln was elected President of the United States, contains no doctrine that has not been held by a large portion of our people both North and South, from the day the stars and stripes were first unfurled, and the assertion that his election was consummated with the design of making the States all free, is an unmitigated falsehood, as well understood by its authors as it can be by us, and the pretense set up in the South, and basely reiterated by unprincipled editors, government officials and demagogues generally in the North, that the southern people have been subjected to such grievous wrongs at the hands of the North, as fully to justify their present treasonable movements, is unsustained by the records of the past or the facts as they now exist.

Fourth, That we deeply deplore the present revolutionary action in these southern States, involving, if not speedily averted, the utter destruction of one of the fairest portions of our land, and the irretrievable ruin of millions of our fellow citizens in that section of country as innocent as ourselves, but who have no power to quell the storm or protect themselves from its fury; and we denounce first and foremost the northern conspirators, who, by their gross libels upon their neighbors and wholesale falsehoods in reference to northern sentiments, sown broad cast over the southern States, have been instrumental in bringing upon our country this most terrible of all earthly calamities, as deserving for their crime the vengeance of Heaven and the condemnation of all honest men.

The following resolution being under consideration :

Resolved, That J. W. Harlam be and is hereby elected Assistant Journal Clerk of the House of Representatives.

Mr. Bailey moved its adoption,

Upon which the yeas and nays were demanded, with the following result :

Yeas—19. Nays—13.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Pierce, Burris, Deitzler, Fairchild, Greer, Humber, Hanway, Lakin, Lillie, McCook, Perry, Roberts, Simpson, Thoman, Williams, Winchell.

Those voting in the negative were

Messrs. Burnett, Coffinberry, Dunton, Evans, Guthrie, Graves, Lines, Markham, Miller, Reynolds, Snoddy, Starns and Wilson.

Resolution adopted.

Mr. Winchell offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be authorized to procure six additional chairs, for the use of the members and clerks.

Mr. Guthrie introduced House Bill No. 67, entitled "An Act to repeal an Act establishing Highways in the county of Brown," which was

Read first time.

Mr. Lillie introduced House Bill No. 68, entitled "An Act amendatory to an Act entitled 'An Act to provide for the assessment and collection of Taxes,'" approved February 27, 1860, which was

Read first time.

Mr. McCook introduced House Bill No. 69, entitled "An Act to legalize the official acts of Notaries Public in Arrapahoe county in certain cases," which was

Read first time.

Mr. Roberts introduced House Bill No. 70, entitled "An Act repealing an Act entitled 'An Act to establish the office of Land District Recorder,' and providing for the disposition of the records in said office."

Mr. Perry moved to adjourn until 2 o'clock P. M.

Withdrawn.

Mr. Burris introduced House Bill No. 71, entitled "An Act to repeal sections 233, 438, 439 and 440 of the Code of Civil Procedure, and section two of an Act entitled 'An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved February 25th, 1860, and to revive section 185 of the Code of Civil Procedure,'" which was

Read first time.

Also, House Bill No. 72, entitled "An Act to repeal sections 93, 94 and 95, and 4th subdivision of section 115, of an Act entitled 'An Act to regulate the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil cases,'" which was

Read first time.

On motion,

House adjourned until two o'clock P. M.

AFTERNOON SESSION.

Two o'clock P. M.

House met pursuant to adjournment.

Speaker in the Chair.

Mr. Deitzler introduced House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association, of Bloomington, Douglas county, K. T.," which was

Read first time.

Also, House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds of the city of Lawrence," which was

Read first time.

Also, House Bill No. 75, entitled "An Act to incorporate the South Tecumseh Town Association," which was

Read first time.

Mr. Anderson introduced House Bill No. 76, entitled "An Act to establish a certain Territorial road," which was

Read first time.

Also, House Bill No. 77, entitled "An Act authorizing county Attorneys to administer oaths and acknowledge instruments of writing," which was

Read first time.

Mr. Dunton introduced House Bill No. 78, entitled "An Act to establish a Code of Criminal Procedure," which was

Read first time.

Mr. Snoddy introduced House Bill No. 74, entitled "An Act amendatory to an Act to provide for the assessment and collection of taxes," which was

Read first time.

Mr. Markham introduced petition of John B. Wood, in relation to mortgages.

Also, House Bill No. 80, entitled "An Act in relation to Mortgages," which was

Read first time.

Also, House Bill No. 52, entitled "An Act supplemental to an Act entitled 'An Act to enable the Trustees of Colleges, Academies and Universities and other institutions, to become bodies corporate,'" approved February 9, 1859,

Read second time, and

Referred to Committee on Corporations and Banking.

House Bill No. 54, entitled "An Act to legalize the acts of

N. C. Blood, acting Justice of the Peace in the township of Palmyra, Douglas county, Kansas,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 56, entitled "An Act permanently locating the county seat of Washington county, Kansas Territory,"

Read second time, and

Referred to Committee on County Lines.

House Bill No. 57, entitled "An Act respecting the location of County Seats,"

Read second time, and

Referred to Committee on Counties and County Lines.

House Bill No. 58, entitled "An Act amendatory to an Act entitled 'An Act for the regulating of the running at large of Swine,' " approved February 28th, 1860,

Read second time.

Referred to Committee on Agriculture.

Also, House Bill No. 59, entitled "An Act to amend an Act entitled 'An Act defining the mode of laying out and establishing Roads,' "

Read second time.

Referred to Committee on Roads and Highways.

House Bill No. 60, entitled "An Act pardoning Robert McNoun,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 61, entitled "An Act to amend the charter of the Roseport and Marysville, or Palmetto Railroad Company,"

Read second time, and

Referred to Committee on Corporations and Banking.

House Bill No. 62, entitled "An Act entitled an Act for the relief of Hezekiah Jackson," . .

Read second time.

Referred to Committee on Judiciary.

House Bill No. 63, entitled "An Act entitled an Act for the relief of William Roe,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 64, entitled "An Act to incorporate the Missouri, Kansas and Neosho Valley Railroad Company,"

Read second time, and

Referred to Committee on Corporations and Banking.

House Bill No. 65, entitled "A Bill for the relief of L. B. Thompson,"

Read second time.

Referred to Committee on Claims.

House Bill No. 66, entitled "An Act to define the northern Boundary of Davis county,"

Read second time, and

Referred to Committee on Counties and County Lines.

On motion of Mr. Guthrie,

The report of the Committee of the Whole on House Bill No. 5, entitled "An Act respecting the taking effect of Public Acts," was postponed for two weeks from to-day,

On motion of Mr. Bailey,

Mr. J. M. Harlam was sworn as Assistant Journal Clerk.

Pursuant to leave granted yesterday,

The House went into Committee of the Whole, for the further consideration of House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public ;'"

Also, House Bill No. 15, entitled "An Act respecting Private Bills ;"

Also, House Bill No. 16, entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved February 11th, 1859.

Mr. Winchell in the chair.

The Committee of the Whole, having disposed of all the Bills referred to it,

Arose, and, through their chairman, reported

House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,' " to the House, without amendment.

Also, House Bill No. 15, entitled "An Act respecting Private Bills," with information that the Committee had stricken out the enacting clause of the Bill.

Also, House Bill No. 16, entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved February 11, 1859, and recommend that it be recommended to the Committee on Judiciary.

On motion, the report of the Committee of the Whole on House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,' " was agreed to.

On motion of Mr. Guthrie, consideration of the report of Committee on House Bill No. 15, entitled "An Act respecting private Bills," was postponed for three weeks from to-day.

On motion, the report of the Committee of the Whole on House Bill No. 16, entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved Feb. 11, 1859, was agreed to.

The following Bills being under consideration :

House Bill No. 32, entitled "An Act to change the name of Abraham Lawsing to John Wells;"

Also, House Bill No. 48, entitled "An Act repealing an Act relating to the sales of Real Property," and,

Also, House Bill No. 49, entitled "An Act legalizing the acts of the Commissioners of Nemaha county, Kansas Territory,"

The House went into Committee of the Whole.

Mr. Lines in the chair.

The Committee of the Whole, having disposed of all the Bills referred to it, arose and reported to the House, through their Chairman,

House Bill No. 32, entitled "An Act to change the name of Abraham Lawsing to John Wells," with the following amendments :

Add to the title the words, "and business transactions;" and insert after the word "transactions," in first line of second section, the words "not otherwise in violation of law."

Also, House Bill No. 48, entitled "An Act repealing an Act relating to the sales of Real Property," with the following amendment :

Strike out of section second the words "its passage," and add the words "May the 1st, 1861," to said section.

Also, House Bill No. 49, entitled "An Act legalizing the acts of the Commissioners of Nemaha county, Kansas Territory," without amendment.

On motion of Mr. Miller, the report of the Committee of the Whole was considered on each Bill separately.

Report of Committee of the Whole on House Bill No. 32, entitled "An Act to change the name of Abraham Lawsing to John Wells," was

Agreed to.

Moved, by Mr. Greer, to recommit House Bill No. 48, entitled "An Act repealing an Act relating to the sales of Real Property," with report of Committee of the Whole thereon, to Committee on Judiciary.

Lost.

On motion, the report of the Committee of the Whole on House Bill No. 48, entitled "An Act repealing 'An Act relating to the sales of Real property,'" was

Agreed to.

On motion of Mr. Miller,

House Bill No. 48, entitled "An Act repealing 'An Act relating to the sales of Real Property,'" with report of Committee of the Whole thereon, was

Recommitted to Committee on Judiciary.

On motion of Mr. Guthrie,

The report of the Committee of the Whole on House Bill No. 49, entitled "An Act legalizing the acts of the Commissioners of Nemaha county, Kansas Territory," was

Agreed to.

On motion of Mr. Guthrie,

The rules were suspended, and

House Bill No. 49, entitled "An Act legalizing the acts of Commissioners of Nemaha county, Kansas Territory," was

Considered engrossed, and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson and Winchell.

So the Bill passed.

The title was amended by striking out "the," and inserting the word "certain" before "official," and agreed to as amended.

On motion of Mr. Winchell,

Rules were suspended, and

House Bill No. 32, entitled "An Act to change the name of Abraham Lawsing to John Wells," was

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams and Wilson.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Roberts,

Leave of absence was granted to Mr. Buckmaster until next Monday noon.

Mr. Pierce moved that James Smith be sworn as Assistant Enrolling Clerk.

Lost.

By leave, Mr. Fairchild introduced House Bill No. 81, entitled "An Act to change the title of the Kansas Valley Branch Bank, at Atchison," which was

Read a first time.

On motion of Mr. Reynolds,

House Bill No. —, entitled "An Act to define the boundary lines of Davis county," was

Recalled from the Committee to which it was referred.

— By leave, Mr. Perry introduced House Bill No. 82, entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure;'"

Also, House Bill No. 83, "An Act for the encouragement of the Manufacture of Wine;"

Also, House Bill No. 84, "An Act regulating the Sessions of the County Tribunal of Leavenworth county," which were

Read first time.

Mr. Burris moved to postpone the rules, and take up House Bill No. 5, entitled "An Act to establish a Ferry at the town of De Soto."

Lost.

On motion of Mr. Fairchild,

House Bill No. 81, entitled "An Act to change the title of the Kansas Valley Branch Bank, at Atchison," was

Read a second time, and referred to Committee on Corporations and Banking.

Mr. Perry moved the rules be suspended and all Bills on the table be considered, read a second time and referred to their appropriate Committees.

The motion did not prevail.

Mr. Dunton moved that House Bill No. 66, entitled "An Act to define the boundaries of Davis county," be re-committed to Committee on Counties, County lines and County seats, pending which,

On motion of Mr. Lines,

House adjourned to to-morrow at two o'clock, P. M.

ALFRED GRAY,
Chief Clerk.

THURSDAY, Jan. 17, 1861, }
Two o'clock, P. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Anderson, Bailey, Pierce, Cowles, Deitzler, Fairchild, Guthrie, Graves, Gilpatrick, Humber, Hawkins, Kean, Lillie, McCook, Perry, Reynolds, Simpson, Williams.

Journal of yesterday read, corrected and approved.

Message from the Council:

MR. SPEAKER:—I am directed to inform your Honorable body that the Council has passed the following Bills:

Council Bill No. 15, entitled "An Act to divorce Wm. West and Mary Ann West."

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the city of Sumner.'"

Council Bill No. 14, entitled "An Act respecting Guardians and Wards," and

Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stevens and A. L. Stevens.

Council Bill No. 16, entitled "An Act divorcing Ellen Jane Moore."

Council Bill No. 11, entitled "An Act to enroll, organize, equip and arm the Militia of the Territory of Kansas," and request your concurrence.

JOHN J. INGALLS,
Secretary.

Report from Mr. Hanway, Chairman of Committee on Claims :

MR. SPEAKER :—Committee on Claims, to whom was referred House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," have had the same under consideration and respectfully report as follows:

S. P. Thompson, during the summer and autumn of 1860, assisted the U. S. District Attorney in detecting an extensive organized band of counterfeiters in Osage county; the Committee, from all the evidence before them, are of the opinion that the said S. P. Thompson is entitled to four hundred dollars, for the services rendered to the Territory, for breaking up said band of counterfeiters, and therefore recommend the passage of said Bill, with amendments.

JAMES HANWAY,
Chairman.

Mr. Buckmaster, Chairman of Committee on Roads and Highways, made the following report:

The Committee on Roads have had House Bill No. 7 under consideration and report the same back without amendments, and recommend that the same may pass.

H. BUCKMASTER,
Chairman.

Committee on Roads and Highways have had House Bill No. 12 under consideration and report same back to the House, and recommend its passage.

H. BUCKMASTER,
Chairman.

The Committee on Roads and Highways have had House Bill No. 28 under consideration and report the same back to the House without amendment, and recommend its passage.

H. BUCKMASTER,
Chairman.

The Committee on Roads and Highways, to whom was referred House Bill No. 59, have had the same under consideration and

report same back to the House without amendment, and recommend its passage.

H. BUCKMASTER,
Chairman.

Mr. Bailey, Chairman Committee on Corporations and Banking, made the following report :

The Committee on Corporations and Banking, to whom was referred House Bill No. 10, entitled "An Act to incorporate the First Congregational Church of Manhattan," have had the same under consideration, and I am instructed to report the Bill back with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 4, entitled "An Act to incorporate the Havana City Company," have had the same under consideration, and I am instructed to report the Bill back as committed.

D. H. BAILEY,
Chairman.

Report of Mr. Burris, Chairman of the Committee on Judiciary :

MR. SPEAKER:—The Committee, on the Judiciary have had under consideration House Bill No. 28, a Bill for the relief of Malissa Hover, and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 62, an Act entitled "An Act for the relief of Hugh Jackson," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 63, an Act entitled "An Act for the relief of Wm. Roe," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under

consideration House Bill No. 63, "An Act for transcribing certain records," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration the petition of Esther Moore, praying for a divorce, and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

By leave, Mr. Greer withdrew House Bill No. 28, entitled "A Bill for the relief of Melissa Hover."

Council Bill No. 2, "An Act to repeal an Act entitled an Act for the benefit of Livery Stable Keepers,"

Was read first time.

Council Bill No. 4, entitled "An Act to incorporate the Spring Dale Town Company,"

Was read first time.

Council Bill No. 5, entitled "An Act to divorce Mary Hough and Henry C. Hough,"

Was read first time.

Council Bill No. 7, entitled "An Act to legalize the assessment of taxes in Pottawattamie county,"

Was read first time.

Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county,"

Was read first time.

Mr. Gilpatrick offered the following resolution:

Resolved, That the Special Committee for the investigating of Claims under the Act, entitled "An Act for the payment and adjustment of Claims," and "An Act supplementary thereto," be authorized to employ an attorney and clerk, with the payment of clerk only.

Mr. Gilpatrick moved to suspend the rules, so that the resolution may be adopted.

Upon which the yeas and nays were demanded, with the following result:

Yeas—26. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Buris, Coffinberry, Dunton, Evans, Guthrie, Greer, Gilpatrick, Lumber, Hanway, Hawkins, Lillie, Lines, Markham, Miller, Perry, Reynolds, Roberts, Snoddy, Starns, Thoman, Wilson.

Those voting in the negative were

Messrs. Deitzler, Graves, McCook, Pierce, Winchell.

And so the rules were suspended.

The question then was on the adoption of the resolution.

Mr. Deitzler moved that the resolution be laid on the table.

Lost.

Mr. Winchell moved to strike out all that portion of the resolution relating to an attorney.

Withdraw.

Mr. Lines offered the following substitute, which was rejected:

Resolved, that the Special Committee, to whom has been referred the consideration of certain Claims, be authorized, if they find it necessary to employ a clerk, at the expense of the Territory.

Mr. Winchell moved to strike out all after the word "employ," and insert "A Clerk who shall possess the qualifications of an Attorney, but who shall be paid as a Clerk only."

On motion of Mr. Miller,

The amendment was laid on the table.

On motion of Mr. Miller,

The vote was reconsidered, and the amendment withdrawn.

Mr. Winchell moved to amend, by adding the following:

"And that he be not allowed to examine witnesses, except by unanimous consent of the Committee."

Upon which the yeas and nays were demanded, with the following result:

Yeas—1. Nays—29.

Those voting in the affirmative were

Mr. Deitzler.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Evans, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Miller, Pierce, Reynolds, Roberts, Snoddy, Starns, Thoman, Williams, Wilson, Winchell.

And so the amendment was lost.

Previous question demanded, and put, and

Resolution adopted.

Mr. Humber offered the following resolution which was adopted:

Resolved, That three Commissioners, two of whom shall be appointed by the House, and one of whom shall be appointed by the Council, whose duty it shall be to revise the Laws of Kansas, and that they be instructed to report to the next Legislative Assembly of this Territory or State.

Resolved, That said Commissioners shall receive, for said services, ——— dollars per day for each in actual service.

By leave, Mr. Burris, Chairman of Committee on Judiciary, made the following report:

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 17, entitled "An Act for the relief of John R. Swallow," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 44, "An Act to legalize the official acts of certain persons therein named," and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

The following resolution came up for consideration, and,

On motion of Mr. Winchell, was adopted:

Resolved, Council concurring, that the Joint Rules reported by the Joint Committee on Rules, be and are hereby adopted as the Joint Rules for the government of the Council and House of Representatives.

Leave was granted to Mr. Markham to withdraw House Bill No. 62, "An Act entitled an Act for the relief of Hezekiah Jackson," and House Bill No. 63, "An Act entitled an Act for the relief of William Roe."

Leave was granted to Mr. Lillie, to withdraw House Bill No. 17, entitled "An Act for the relief of John R. Swallow.

The question pending at the time of adjournment, on yesterday, it being on motion of Mr. Dunton, to refer House Bill No. 66, entitled "An Act to define the northern boundaries of Davis county," to Committees on Counties and County Lines, was then taken up.

Mr. Reynolds moved to indefinitely postpone the Bill.

Lost.

On motion of Mr. Dunton,

The Bill was recommitted to the Committee on Counties and County Lines.

Mr. Guthrie introduced House Bill No. 85, entitled "An Act providing for a stay of Execution in certain cases," which was

Read first time.

Also, House Bill No. 86, entitled "An Act limiting the time of instituting actions in certain cases, and for redemption of real estate," which was

Read first time.

Mr. Perry introduced House Bill No. 87, entitled "An Act relating to the duties of County Surveyor of Leavenworth county," which was

Read first time.

Also, House Bill No. 88, entitled "An Act regulating the rendition of Judgments in Courts of Record," which was

Read first time.

Also, House Bill No. 89, entitled "An Act to restrain Dram Shops and Taverns, and regulate the sale of intoxicating liquors," which was

Read first time.

Also, House Bill No. 90, entitled "An Act legalizing the conveyance of the Stranger River Bridge Company to the county of Leavenworth," which was

Read first time.

Mr. Snoddy introduced House Bill No. 91, entitled "An Act supplemental to 'An Act exempting certain property from sale upon execution or other process,' " approved February 7, 1859, which was

Read first time.

Mr. Perry introduced House Bill No. 92, entitled "An Act amendatory to an Act entitled 'An Act defining the mode of laying out and establishing Roads,' " approved February 27, 1860, which was

Read first time.

Also, House Bill No. 93, entitled "An Act relative to the duties of the County Assessor of Leavenworth county," which was

Read first time.

Also, House Bill No. 94, entitled "An Act to protect Game in Leavenworth county," which was

Read first time.

Mr. Starns introduced House Bill No. 95, entitled "An Act regulating costs before Justices of the Peace," which was

Read first time.

Mr. Bowker introduced House Bill No. 96, entitled "An Act defining the boundary lines between Shawnee and Jackson counties," which was

Read first time.

Mr. Bailey introduced House Bill No. 97, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved February 11, 1859, which was

Read first time.

Mr. Lines introduced House Bill No. 98, entitled "An Act repealing second section of an Act entitled 'An Act regulating the jurisdiction and procedure before a Justice of the Peace, and the duties of Constables in certain cases,' " which was

Read first time.

Mr. Deitzler introduced House Bill No. 99, entitled "An Act legalizing the assessment of taxes in the city of Lawrence, and for other purposes," which was

Read first time.

Mr. Bailey introduced House Bill No. 100, entitled "An Act relating to Notaries Public," which was

Read first time.

Mr. Perry introduced House Bill No. 101, entitled "An Act for the encouragement of Wool growing," which was

Read first time.

Mr. Perry moved to suspend the rules, and that Bills just read first time be considered read second time and referred.

Withdrawn.

Council Bill No. 18, "An Act establishing the boundary lines between Shawnee and Osage counties," was

Read second time.

House Bill No. 67, "An Act to repeal an Act establishing Highways in the county of Brown,"

Read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 68, entitled "An Act amendatory to an Act entitled 'An Act to provide for the assessment and collection of Taxes,'" approved February 27, 1860.

Read second time.

Referred to Committee on Judiciary.

House Bill No. 69, entitled "An Act to legalize the official acts of Notaries Public in Arappahoe county, in certain cases,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 70, entitled "An Act repealing an Act entitled 'An Act to establish the office of Land District Recorder, and providing for the disposition of the records in said office,'"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 71, entitled "An Act to repeal sections 233, 438, 439 and 440 of the Code of Civil Procedure, and section 2 of an Act entitled 'An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved February 25th, 1860, and to revive section 185 of the Code of Civil Procedure,'"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 72, entitled "An Act to repeal sections 93, 94 and 95, and fourth sub-division of section 115, of an Act entitled 'An Act to regulate Jurisdiction and procedure before Justices of the Peace, and of the duties of Constables, in civil cases,'"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county, K. T.,"

Read second time, and

Referred to Committee on Corporations and Banking.

House Bill No. 74, entitled "An Act to abolish the office of Register of Deeds, of the City of Lawrence,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 75, entitled "An Act to incorporate South Tecumseh Town Association,"

Read second time.

Referred to Committee on Corporations and Banking.

House Bill No. 76, entitled "An Act to establish a certain Territorial road,"

Read second time.

Referred to Committee on Roads and Highways.

House Bill No. 77, entitled "An Act authorizing County Attorneys to administer oaths and acknowledge instruments of writing,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 78, entitled "An Act amendatory to an Act to establish a Court of Criminal Procedure," approved February 9th, 1859,

Read second time, and referred.

House Bill No. 79, entitled "An Act amendatory to an Act to provide for the assessment and collection of taxes,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 80, "A Bill for a public Act in relation to mortgages,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 82, an Act entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,'"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 83, entitled "An Act for the encouragement of the Manufacture of Wine,"

Read second time.

Referred to Committee on Agriculture.

House Bill No. 84, entitled "An Act regulating the sessions of the County Tribunal of Leavenworth county,"

Read second time.

Referred to Committee on Judiciary.

On motion,

House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting notaries public,'" was

Read a third time, and

On motion of Mr. Bailey, was recommitted to the Committee on Judiciary.

Mr. Burris moved the rules be suspended and

House Bill No. 55, entitled "An Act to establish a ferry at the town of De Soto," be considered engrossed, and read a third time.

Motion prevailed.

Bill was read the third time, and,

By unanimous consent, amended, by striking out in section 7 the word "not exceeding twenty" and inserting of fifteen.

The question being, "Shall the Bill pass?" the vote resulted as follows :

Yeas—28. Nays—0.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Greer, Graves, Humbert, Hanway, Hawkins, Lakin, Lines, Markham, Miller, Pierce, Perry, Reynolds, Roberts, Snoddy, Starns, Thoman, Wilson, Winchell.

And so the Bill passed.

The title was agreed to.

On motion,

The House adjourned until to-morrow morning at ten o'clock.

ALFRED GRAY,
Chief Clerk.

FRIDAY, Jan. 18, 1861, }
TEN O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees, Messrs. Bailey, Bowker, Deitzler, Fairchild, Humber, Hawkins, Kean, Lillie, McCook, Pierce, Perry, Reynolds and Wood.

Prayer by Rev. Mr. Cordley.

Journal of yesterday read, corrected and approved.

Mr. Gilpatrick presented the petition for the relief of Moulton G. Farnham.

Referred to Committee on Claims.

Mr. Greer presented a petition of Edward Hoogland.

Referred to Committee on Roads and Highways.

Mr. Coffinberry presented a petition for the relief of John S. Rogers.

Referred to Committee on Claims.

Mr. Dunton presented a petition of J. K. Bartlett, praying for an appropriation of sixty-six dollars, for printing.

Referred to Committee on Claims.

Mr. Burnett presented a petition of Judge Hubbard and others, to incorporate Mapleton Academy.

Referred to Committee on Corporations and Banking.

Report of Mr. Burris, Chairman of the Committee on Judiciary :

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,' " and instruct me to report the same back to the House, with the following amendment:

In section second strike out "in which said Notary Public may have then resided," and insert the words "for which said Notary Public may have been commissioned."

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Judiciary Committee have had under consideration House Bill No. 14, on the recommitment thereof, and instruct me to again report the same to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 82, "An Act regulating the powers of the Tribunal transacting County Business for the County of Leavenworth," and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 68, "An Act amendatory to an Act entitled 'An Act to provide for the Assessment and Collection of Taxes,' " approved Feb. 27, 1860, and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 74, "An Act to abolish the office of Register of Deeds for the City of Lawrence," and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 77, "An Act authorizing

County Attorneys to administer oaths and acknowledge instruments of writing," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

Mr. Bailey, Chairman of the Committee on Corporations and Banking, made the following report:

The Committee on Corporations and Banking, to whom was referred House Bill No. 24, entitled "An Act to incorporate the City of Marysville," have had the same under consideration, and I am instructed to report the Bill back, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 46, entitled "An Act to amend an Act entitled 'An Act to incorporate the Kansas Central Telegraph Company,'" approved Feb. 11, 1859, have had the same under consideration, and I am instructed to report the Bill back as re-committed.

D. H. BAILEY,
Chairman.

Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stevens and A. L. Stevens," was

Read first time.

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled "An Act to incorporate the City of Sumner," was

Read first time.

Council Bill No. 14, entitled "An Act amendatory of the Laws respecting Guardians and Wards," was

Read first time.

Council Bill No. 15, entitled "An Act to divorce William West and Mary Ann West," was

Read first time.

Council Bill No. 16, "A Bill divorcing Ellen J. Moore," was

Read first time.

Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," was

Read first time.

Joint Resolution memorializing the Congress of the United States to provide for the Survey and Sale of certain lands," was

Read first time.

On motion of Mr. Perry, Thomas P. Fenlon and Mayor McDowell, of Leavenworth city, were admitted to seats within the bar.

Mr. Buckmaster offered the following resolution, which was adopted :

Resolved, By the House of Representatives, That Mr. Morrow, who has the privilege of copying the Journals for the Printer, be furnished with a desk for that purpose, and be required to copy the said Journals within the bar of this House.

Mr. Burnett offered the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be instructed to provide suitable racks or fixtures for the coats and hats of the members of the House.

Mr. McCook introduced House Bill No. 102, entitled "An Act to change the name of the Cinnabar Mining Company," which was

Read first time.

Also, House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company," which was

Read first time.

Mr. Reynolds introduced House Bill No. 104, entitled "An Act to define the boundary line between Dickinson and Morris counties," which was

Read first time.

Mr. Dunton introduced House Bill No. 105, entitled "An Act

to establish a Ferry across the Big Blue river at or near the mouth of Fancy Creek," which was

Read first time.

Mr. Snoddy introduced House Bill No. 106, entitled "An Act amendatory to an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved February 11, 1859, which was

Read first time.

Also, House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith," which was

Read first time.

Mr. Humber introduced House Bill No. 108, entitled "An Act to incorporate the Leavenworth and Smoky Hill Express Company," which was

Read first time.

Mr. Wilson introduced House Bill No. 109, entitled "An Act to establish a Ferry at the city of Palermo," which was

Read first time.

House Bill No. 4, entitled "An Act to incorporate Spring Dale Town Company,"

Read second time, and

Referred to Committee on Corporations and Banking.

Council Bill No. 5, entitled "An Act to divorce Mary Hough and Henry C. Hough,"

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 7, entitled "An Act to regulate the assessment of Taxes,"

Read second time, and

Referred to Committee on Judiciary.

Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county,"

Read second time, and

Referred to Committee on Counties and County Lines.

Council Bill No. 2, entitled "An Act to repeal an Act entitled "An Act for the benefit of Livery Stable Keepers,""

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 85, entitled "An Act providing for the stay of execution in certain cases,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 86, entitled "An Act limiting the time for instituting actions in certain cases, and for redemption of real estate sold to enforce judgment, &c.,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 87, entitled "An Act relating to the duties of County Surveyor of Leavenworth county,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 88, entitled "An Act regulating the rendition of judgments in Courts of Record,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 89, entitled "An Act to restrain Dram Shops and Taverns and regulate the sale of intoxicating liquors,"

Read second time, and

Referred to Committee on Vice and Immorality.

House Bill No. 90, entitled "An Act legalizing the conveyance of the Stranger River Bridge Company to the county of Leavenworth," was

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 91, entitled "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon execution or other process,'" approved February 7, 1859, was

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 92, entitled "An Act amendatory to an Act entitled 'An Act defining the mode of laying out and establishing roads, approved February 27, 1850,'" "

Read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 93, entitled "An Act relative to the duties of the County Assessor of Leavenworth county,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 94, entitled "An Act regulating costs before Justices of the Peace,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 95, entitled "An Act to protect the game in Leavenworth county,

Read second time, and

Referred to Committee on Agriculture.

House Bill No. 96, entitled "An Act defining the boundary line between Shawnee and Jackson counties,"

Read second time, and

Referred to Committee on Counties and County Lines.

House Bill No. 97, entitled "An Act repealing section second of an Act entitled 'An Act to amend an Act entitled an Act regulating the jurisdiction and procedure before Justices of the Peace, and the duties of Constables in certain cases,' "

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 99, entitled "An Act legalizing the assessment of taxes in the city of Lawrence, and for other purposes,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 100, entitled "An Act relating to Notaries Public,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 101, entitled "An Act for the encouragement of Wool growing,"

Read second time, and

Referred to Committee on Agriculture.

Mr. Burris moved to suspend the rules, and Council Bill No. 11, entitled "An Act to enroll, organize, equip and arm the Militia of the Territory of Kansas," be read a second time and referred.

The Yeas and nays were demanded, with the following result :

Yeas—18. Nays—15.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett,

Burris, Coffinberry, Dunton, Evans, Graves, Gilpatrick, Hanway, Lillie, Lines, Markham, Snoddy, Thoman, Wilson.

Those voting in the negative were

Messrs. Deitzler, Guthrie, Greer, Humber, Lakin, Miller, McCook, Pierce, Perry, Reynolds, Roberts, Simpson, Starns, Williams, Winchell.

And so the motion to suspend rules was lost.

House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas ;

— Also, House Bill No. 22, entitled "An Act incorporating the Pioneer Hook and Ladder Company No. 1;" and

House Bill No. 38, entitled "An Act to change the name of John William Hobbs to John William Harman," being under consideration,

The House went into Committee of the Whole.

Mr. Burnett in the chair.

Committee arose, and, through its Chairman, reported progress, and asked leave to sit again.

On motion of Mr. Roberts,

Leave was granted to Committee of the Whole to sit again at 2 o'clock, P. M.

On motion,

House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

Mr. Lines offered the following resolution, which was adopted :

Resolved, That the Judiciary Committee be instructed to examine chapter 36 of the Public Acts of 1859, the same being an Act in relation to corporations, and recommend such alterations, in such Act, as they may judge necessary, more fully to accomplish the object for which the same was originally enacted, and effectually relieve the Legislature from the consideration of such applications for special charters, as were intended to be provided for in said Act.

Pursuant to leave granted before adjournment, the House went into Committee of the Whole, for the further consideration of House Bills Nos. 5, 20, 22 and 38.

Mr. Burnett in the Chair.

The Committee of the Whole, having disposed of all Bills referred to it, arose, and, through its Chairman,

Reported to the House, House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas," with the following amendments :

Strike out word "the" in third line of section first, and insert the word "its;" strike out of same section all after the word "Branches" in third line; insert after the word "then," in the seventh line of the fourth section, the words, "not exceeding one million of dollars," and add to section five, "and any donation, made for any special object, shall be faithfully applied thereto;" strike out of sixth line of section eight all after the word "the" to the word "Kansas" included, and insert "standing committee of Diocese of Kansas, on the nomination of the Bishop of the Protestant Episcopal Church of said Diocese," and add section eighteen as follows: "This act to take effect and be in force from and after its passage."

Also, House Bill No. 22, entitled "An Act incorporating the Pioneer Hook and Ladder Company No. 1," with the following amendment :

Strike out the word "to" in fifth line of section first, and insert "may;" and insert "and personal" after "real," in fifth and sixth lines of first section, and strike out in the sixth line of

section first the words "and so much of its" and insert in place thereof "which".

Also, House Bill No. 38, entitled "An Act to change the name of John Wm. Hobbs to John William Harman," with the recommendation that it be recommitted to the Committee on Judiciary.

Report of Committee of the Whole on House Bill No. 20 and 22 was agreed to. Also,

Report on House Bill No. 38, was

Recommitted to Committee on Judiciary.

On motion of Mr. Deitzler,

Rules were suspended, and

House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas," was

Considered engrossed, and

Read a third time.

The question being, "Shall the bill pass?" the vote resulted as follows:

Yeas—27. Nays—0.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Greer, Graves, Hamber, Hanway, Lakin, Lillie, Lines, Markham, Miller, McCook, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Bailey,

Rules were suspended, and

House Bill No. 22, entitled "An Act incorporating the Pioneer Hook and Ladder Company No. 1;" was

Considered engrossed, and

Read third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—25. Nays—0.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Greer, Graves, Humber, Hanway, Lakin, Lillie, Markham, Miller, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

House Bill No. 25, "An Act to establish the time for paying Taxes and for other purposes;"

Also, House Bill No. 51, entitled "An Act to amend the Code of Civil Procedure;" (Negatived.)

Also, House Bill No. 7, "An Act to declare the Military road from Fort Riley to Fort Larned a Territorial Road," being under consideration,

The House went into Committee of the Whole.

Mr. Deitzler in the chair.

The Committee of the Whole having disposed of all the Bills referred to it, arose and reported to the House, through its Chairman.

House Bill No. 25, "An Act to establish the time for paying Taxes and for other purposes," with the recommendation that it be postponed and made the special order for Monday, the 28th day of January.

Also, House Bill No. 51, entitled "An Act to amend an Act entitled 'An Act to establish a Code Civil Procedure,' " approved February 11, 1859, with information that they have stricken out the enacting clause.

Also, House Bill No. 7, entitled "An Act to declare the Military road from Fort Riley to Fort Larned a Territorial road," without amendment.

On motion of Mr. Greer,

The report of the Committee of the Whole was considered, as to each Bill, separately.

Report of the Committee of the Whole on House Bill No. 25, entitled "An Act to establish the time for paying Taxes and for other purposes," was

Agreed to.

Mr. Winchell moved to agree to the report of Committee of the Whole on House Bill No. 51, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure.' "

Mr. Miller moved to recommit the Bill to the Committee of the Whole.

Lost.

Upon the question of agreeing to the report,

The yeas and nays were demanded, with the following result :

Yeas—19. Nays—12.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Fairchild, Greer, Hanway, Lines, McCook, Snoddy, Simpson, Wilson, Winchell.

Those voting in the negative were

Messrs. Evans, Graves, Humber, Lakin, Lillie, Markham, Miller, Reynolds, Roberts, Starns, Thoman, Williams.

And so the report was agreed to.

On motion of Mr. Dunton,

Report of Committee of the Whole on House Bill No. 7, entitled "An Act to declare the Military road from Fort Riley to Fort Larned a Territorial road," was

Agreed to, and

The Bill ordered to be engrossed.

Mr. Burnett moved to adjourn until 10 o'clock A. M., to-morrow.

Lost.

House Bill No. 44, entitled "An Act to legalize the official acts of certain persons therein named;"

Also, House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," being under consideration,

On motion of Mr. Winchell,

The House went into Committee of the Whole.

Mr. Burris in the chair.

After some time spent therein, the Committee of the Whole arose, and, through its Chairman, reported to the House,

House Bill No. 44, entitled "An Act to legalize the official acts of certain persons therein named," and recommend that the same be amended by striking out all of section three.

Also, House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," without amendment.

Report of Committee of the Whole agreed to, and

Both Bills ordered to be engrossed.

On motion,

House adjourned until to-morrow at 10 o'clock.

ALFRED GRAY,
Chief Clerk.

SATURDAY, Jan. 19, 1861, }
TEN O'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Bailey, Buckmaster, Burris, Cowles, Dunt-
ton, Evans, Guthrie, Gilpatrick, Kean, Lakin, Lines, McCook,
Perry, Reynolds, Williams.

Journal of yesterday read, corrected and approved.

Leave was granted to Mr. Anderson to withdraw House Bill
No. 77, entitled “An Act authorizing County Attorneys to ad-
minister oaths and acknowledge instruments of writing.”

Report of Mr. Burris, Chairman of Committee on Judiciary:

MR. SPEAKER:—The Committee on the Judiciary have had
under consideration House Bill No. 91, entitled “An Act supple-
mental to an Act entitled ‘An Act exempting certain property
from sale upon execution, or other process,’” approved February
7, 1859, and report the same back to the House without amend-
ment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under
consideration House Bill No. 87, entitled “An Act relating to
the duties of County Surveyor of Leavenworth county,” and in-
struct me to report the same back to the House with the follow-
ing amendments: Insert, after the word “ordered,” in the fourth
line, the words “to be surveyed,” and also amend by adding the
following section.

“SECTION 2. This act shall take effect and be in force from
and after its passage,” and recommend the passage of said Bill,
as amended.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 71, entitled “An Act to repeal sections 233, 438, 439 and 440 of the Code of Civil Procedure,” and section 2d of an Act entitled “An Act to amend an Act entitled ‘An Act to establish a Code of Civil Procedure,’” approved February 25, 1860, and to revive section 185 of the Code of Civil Procedure, and report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 54, entitled “An Act to legalize the acts of N. C. Blood, acting Justice of the Peace, in the township of Palmyra, Douglas county, Kansas,” and instruct me to report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration Council Bill No. 2, “An Act to repeal an Act entitled ‘An Act for the benefit of Livery Stable Keepers,’” and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 72, entitled “An Act to repeal sections 93, 94, 95 and fourth subdivision of 115 of ‘An Act entitled an Act to regulate the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases,’” report the same back to the House without amendments.

Also, “An Act, entitled an Act relative to the duties of county assessor of Leavenworth county,” without amendment.

JOHN T. BURRIS,
Chairman.

Mr. Bowker from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 20, “An Act to incorporate the Lawrence University of Kansas,” and find the same correctly engrossed.

WILLIAM E. BOWKER,
GEORGE G. PIERCE,
W. H. WILSON,
W. C. DUNTON.

Mr. Bailey, from the Committee on Corporation and Banking, made the following report :

MR. SPEAKER:—The Committee on Corporations and Banking, to whom was referred House Bill No. 81, entitled “An Act to change the title of the Kansas Valley Bank Branch at Atchison,” have had the same under consideration, and instruct me to report the Bill back with amendments :

Strike out of section first in fifth line “State Bank of Kansas,” and insert “Bank of the State of Kansas;” also in section second, third line, strike out “State Bank of Kansas,” and insert “Bank of the State of Kansas.”

D. H. BAILEY,
Chairman.

Mr. Winchell offered the following resolution :

Resolved, The Council concurring, That the regular hours of meeting of the Body of the Legislative Assembly, until otherwise ordered, shall be from nine o'clock A. M., until ten o'clock P. M.

On motion of Mr. Winchell,

The rules were suspended, and

Resolution adopted.

Mr. Roberts introduced House Bill No. 110, entitled “An Act, authorizing the issuing and filing of transcript,” which was

Read first time.

Mr. Coffinberry introduced House Bill No. 111, entitled “An Act to legalize the official acts of certain persons therein named,” which was

Read first time.

Mr. Perry introduced House Bill No. 112, entitled “An Act legalizing Sheriff's Sales,” which was

Read first time.

Council Joint Resolution No. ———, “Joint Resolution, memorializing Congress to provide for the survey and sale of certain lands.”

Read second time, and,

Referred to Committee on Federal Relations.

Council Bill No. 11, entitled "An Act to enroll, organize, equip and arm the Militia of the Territory of Kansas,"

Read second time.

Referred to Committee on Militia.

Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stevens and A. L. Stevens,"

Read second time.

Referred to Committee on Judiciary.

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the City of Sumner,'"

Read second time, and

Referred to Committee on Corporations.

Council Bill No. 14, entitled "An Act respecting Administrators, Guardians, and Wards,"

Read second time.

Referred to Committee on Judiciary.

Council Bill No. 15, entitled "An Act to divorce William West and Mary Ann West,"

Read second time.

Referred to Committee on Judiciary.

Council Bill No. 16, "A Bill divorcing Ellen Jane Moore,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 102, entitled "An Act to change the name of the Cinnibar Mining Company,"

Read second time.

Referred to Committee on Corporations and Banking.

House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company,"

Read second time, and

Referred to Committee on Corporations and Banking.

House Bill No. 104, entitled "An Act to define the boundary line between Dickinson and Morris counties,"

Read second time, and

Referred to Committee on Counties and County Lines.

House Bill No. 106, entitled "An Act amendatory to an Act entitled 'An Act to establish a Code of Civil Procedure,' " approved February 11, 1859.

Read second time.

Referred to Committee on Judiciary.

House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 109, entitled "An Act to establish a Ferry at the city of Palermo,"

Read second time, and

Referred to Committee on Corporations and Banking.

On motion,

House Bill No. 7, entitled "An Act to declare the Military Road from Fort Riley to Fort Larned a Territorial road, was

Read a third time,

Question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—29. Nays—0.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Fairchild, Greer, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Pierce, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

So the Bill passed, and

The title was agreed to.

House Bill No. 44, entitled "An Act to legalize the official acts of certain persons therein named," was

Read the third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—29. Nays—0.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

And so the Bill passed, and

The title was agreed to.

House Bill No. 65, "A Bill for the relief of S. P. Thompson," was

Read the third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—22. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Dunt-
ton, Evans, Fairchild, Greer, Graves, Humber, Hanway, Haw-
kins, Lakin, Lillie, Markham, Perry, Reynolds, Roberts, Simp-
son, Starns, Winchell.

Those voting in the negative were

Messrs. Lines, Pierce, Snoddy, Thoman, Wilson.

And so the Bill passed, and

The title was agreed to.

House Bill No. 4, entitled "An Act to incorporate the Ha-
vana City Company."

Also, House Bill No. 8, entitled "An Act to declare a Mili-
tary Road from Fort Riley to Fort Wise a Territorial road."

Also, House Bill No. 10, entitled "An Act to incorporate the
First Congregational Church at Manhattan," being under con-
sideration,

The House went into Committee of the Whole.

Mr. Perry in the chair.

The Speaker resumed the chair, and received the following

Message from the Council :

MR. SPEAKER :—I am directed to notify the House of Repre-
sentatives that the Council has passed Council Bill No. 1, "An
Act supplementary to an Act to regulate the taking up and post-
ing of Strays."

Council Bill No. 25, "An Act to divorce Henry Smith and
Harriet Smith," and request your concurrence.

Also, that the Council has concurred in House resolution
adopting the report of Committee on Joint Rules.

JOHN J. INGALLS,
Secretary.

The Committee of the Whole, having disposed of all the Bills
referred to it arose, and, through its Chairman, reported to the
House :

House Bill No. 4, entitled "An Act to incorporate the Havana City Company," without amendment.

Also, House Bill No. 8, entitled "An Act to declare the military road from Fort Riley to Fort Wise a Territorial road," without amendment.

Also, House Bill No. 10, entitled "An Act to incorporate the First Congregational Church, of Manhattan," with the following amendment:

Insert, after the word "dollars," in fourth line of section two, the following: "Over and above the value of its church edifice and parsonage, and the lots on which they stand."

On motion of Mr. Guthrie,

The report of the Committee of the Whole was considered on each Bill separately.

The report of the Committee of the Whole on House Bill Nos. 4 and 8, was

Agreed to.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council non-concur in the resolution of the House relative to the hours of meeting.

JOHN J. INGALLS,
Secretary.

Report of Committee on House Bill No. 10, was agreed to.

On motion of Mr. Winchell,

Rules were suspended, and

House Bill No. 4, entitled "An Act to incorporate the Havana City Company," was

Considered engrossed, and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—28. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

And so the Bill passed, and

The title was agreed to.

On motion of Mr. Dunton,

Rules were suspended, and

House Bill No. 8, entitled "An Act to declare the military road from Fort Riley to Fort Wise a Territorial road," was

Considered engrossed, and

Read a third time.

The question being, "Shall the Bill pass pass?" the vote resulted as follows:

Yeas—26. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Fairchild, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Winchell.

Those voting in the negative were

Mr. Guthrie.

And so the Bill passed.

And the title was agreed to.

On motion,

House Bill No. 10 was ordered to be engrossed for the third reading.

Mr. Winchell offered the following resolution, which was adopted :

Resolved, That the regular hours for the daily sessions of the House, until otherwise ordered, shall be from 9 o'clock A. M. to 1 o'clock P. M.

On motion of Mr. Lillie,

House Bill No. 43, entitled "An Act to provide for transcribing certain Records," was

Recommitted to Committee on Judiciary.

House Bill No. 12, entitled "An Act to declare the Smoky Hill road from Fort Riley to Denver City and Colorado City, a Territorial Road ;"

Also, House Bill No. 59, entitled "An Act to amend an Act entitled 'An Act defining the mode of laying out and establishing Roads ;' "

Also, House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,' " being under consideration,

The House went into Committee of the Whole.

Mr. Bailey in the chair.

After some time spent therein, the Committee arose, and, through its Chairman, reported progress, and asked leave to sit again.

On motion of Mr. Roberts,

Leave was granted to Committee of the Whole to sit again on Monday.

On motion,

House adjourned until Monday morning at 9 o'clock.

ALFRED GRAY,
Chief Clerk.

MONDAY, Jan. 21, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Roll called.

Absentees—Messrs. Bailey, Buckmaster, Cowles, Dunton, Evans, Guthrie, Humber, Hawkins, Kean, Lakin, Lillie, McCook, Perry, Reynolds, Starns, Thoman.

Journal of yesterday read, corrected and approved.

Report of Mr. Pierce, Chairman of Committee on Vice and Immorality:

MR. SPEAKER:—The Committee on Vice and Immorality, to whom was referred House Bill No. 89, entitled “An Act to restrain Dram-Shops and Taverns, and regulate the sale of intoxicating liquors,” report the same back with the following amendments, viz.:

In section 2 strike out all after the word “dollars,” and insert in lieu thereof, the following, “nor less than thirty dollars for the period of twelve months, the amount of tax to be determined by the said tribunal. That said tax to be paid into the hands of the Township Trustee, of the township in which the license is to be used, in gold and silver coin, or in the township orders of the said township, and it shall be the duty of the Township Trustee to give his receipt for the payment of said tax.”

In section 3 strike out “County Treasurer” and insert “County Trustee.”

In section 5 strike out the word “one,” before the phrase “hundred dollars,” and insert “five” in lieu thereof.

Insert, in the Bill, in sections 7 and 8, the following, as a new section: “That before any person shall be licensed as a dram-shop, grocery or tavern keeper, under the provisions of this Act, he shall execute, to the tribunal granting such license, a bond in the sum of one thousand dollars, with at least two securities, to be approved by said tribunal, conditioned that he will not keep a disorderly house, nor sell liquors. of any description, contrary to the provisions of this Act: and upon said person being convicted of any of the offenses enumerated herein, suit may be brought against said principal and securities, to recover the

amount of the fines or fine adjudged against him, on said conviction, in any court of competent jurisdiction."

In section 7 insert, after the word "Sunday," "or upon any election day."

Amend section No. 13 by adding thereto the following, viz.: "And, in all cases, the person or persons to whom intoxicating liquors shall be sold, in violation of this Act, shall be competent, as witnesses, to prove such fact, or any other tending thereto."

In section 14 strike out the word "information" and insert in lieu thereof the word "complaint."

Add, immediately after section 14, the following, as a new section: "That all tax received by Township Trustees, in accordance with the provisions of this act, shall be held and applied, by them, for the support of Common Schools, in their respective townships, in conformity with the provisions of law regulating the distribution of Common School funds."

GEORGE G. PIERCE,
Chairman.

On motion,

The report was laid on the table to be printed.

Report of Mr. Graves, Chairman of Committee on Agriculture:

MR. SPEAKER:—The Committee, to whom was referred House Bill No. 83, have had the subject under consideration and instruct me to report the same back without amendment.

Also, House Bill No. 58, on which I am instructed to report adversely.

P. GRAVES,
Chairman.

On motion,

The report was laid on the table to be printed.

Report of Mr. Burris, Chairman of the Committee on Judiciary:

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 100, "An Act relative to Notaries Public," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Judiciary Committee having had under

consideration House Bill No. 99, "An Act legalizing the assessment of taxes in the city of Lawrence, and for other purposes," instruct me to report the same back to the House with the following amendment to the title thereof: Strike out the words "other purposes" and insert the words "the sale of certain property, by said city, to the county of Douglas."

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 85, "An Act providing for a stay of Execution in certain cases," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration Council Bill No. 7, entitled "An Act legalizing the assessment of taxes in Pottowattamie county," and instruct me report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration Council Bill No. 14, entitled "An Act respecting Administrators, Guardians and Wards," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Judiciary Committee have again had under consideration House Bill No. 33, "An Act diminishing the rate of interest," and report the same to the House, without amendment.

JOHN T. BURRIS,
Chairman.

Report of Mr. Deitzler, Chairman of Committee on Counties and County Lines:

MR. SPEAKER:—The Committee on Counties and County Lines, to whom was referred House Bill No. 52, "An Act establishing the County of Wayne," instruct me to report the same back to the House without amendment.

G. W. DEITZLER,
Chairman.

Report of Mr. Bowker, Chairman from Committee on Engrossed Bills:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 1), “An Act to incorporate the first Congregational Church of Manhattan;” and House Bill No. 7, “An Act to declare the military road from Fort Riley to Fort Larned a Territorial road,” and find the same correctly engrossed.

WILLIAM E. BOWKER,
Chairman.

Report of Mr. Bowker, Chairman of Committee on Indian Affairs, was submitted :

On motion,

The report was laid on the table, and ordered to be printed.

Council Bill No. —, entitled “An Act additional to an Act entitled ‘An Act to provide for the taking and posting of strays,’ ” was

Read first time.

Also, Council Bill No. 25, entitled “An Act divorcing Henry Smith and Harriet Smith,” was

Read first time.

Mr. Markham introduced the following communication:

MR. SPEAKER:—In compliance with a resolution passed the House, I send in the following names as Assistant Engrossing Clerks: D. M. Adams, Wm. Hutchinson and Harman Scott.

JOHN T. LANTER.

January 21, 1861.

Mr. Snoddy moved to confirm the appointments.

Mr. Winchell moved to confirm the nomination of Scott.

Mr. Miller moved to postpone indefinitely the confirmation of the Clerks.

Withdrawn.

Mr. Bowker moved to amend so as to include D. M. Adams.

Message from the Council :

MR. SPEAKER:—I am instructed to notify the House of Representatives, that the Council have passed House Bill No. 55, "An Act to establish a ferry at the town of De Soto," with the following amendment.

Add, "This act to take effect and be in force from and after its passage."

Your concurrence is solicited.

JOHN J. INGALLS,
Secretary.

Mr. Winchell moved that the whole subject of engrossing, together with the appointments of the Engrossing Clerk, and motions pending thereon, be referred to a special committee of three.

Mr. Deitzler moved to amend by substituting "Committee on Engrossed Bills" for "Special Committee."

Amendment accepted.

Mr. Dunton moved to amend by substituting "Committee on Education," which was

Lost:

The motion of Mr. Deitzler, as amended, prevailed, and

Subject referred.

On motion of Mr. Burris, the House concurred in the amendment of the Council to the House Bill No. 55.

By leave, Mr. Bailey, Chairman from Committee on Corporations and Banking, reported on House Bill No. 9, with amendments:

The Committee on Corporations and Banking, to whom was referred House Bill No. 9, entitled "An Act to amend an Act to incorporate the Blue River Bridge Company," have had the same under consideration, and I am instructed to report the Bill back with amendments.

D. H. BAILEY,
Chairman.

Mr. Greer introduced House Bill No. 113, entitled "An Act regulating the fees of the Clerks of the several Courts and She-

riff's of the several counties of this Territory; and to repeal sections one, two and three of an Act entitled, 'An Act regulating fees of the Clerks of the several District Courts, and for other purposes, approved February 7th, 1860,' and sections one, two, three, six and twenty-six of an Act regulating the fees of officers, jurors, and witnesses, approved February 11th, 1859," which was

Read first time.

House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas river at the mouth of Soldier's Creek in Shawnee county," was

Read first time.

Mr. Snoddy introduced House Bill No. 115, entitled "An Act to amend an Act entitled 'An Act to prevent the firing of woods, marshes and prairies,' approved February 9th, 1859," which was

Read first time.

Mr. Roberts introduced House Bill No. 116, entitled "An Act amendatory to an Act entitled 'An Act incorporating the City of Quindaro,' approved January 25th, 1859," which was

Read first time.

Mr. Scott introduced House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company," which was

Read first time.

Mr. Deitzler introduced House Bill No. 118, entitled "An Act to remove the Seat of Government, of the Territory of Kansas, from Lecompton to Lawrence," which was

Read first time.

Mr. Gilpatrick introduced House Bill No. 119, entitled "An Act relating to the organization of School Districts and Schools," which was

Read first time.

Mr. Pierce introduced House Bill No. 120, entitled "An Act legalizing the acts of Sheriffs in the year 1860," which was

Read first time.

Also, House Bill No. 121, entitled "An Act providing for a certain Territorial Road," which was

Read first time.

Also, House Bill No. 122, entitled "An Act to establish a Territorial Road," which was

Read first time.

Mr. Williams introduced House Bill No. 123, entitled "An Act to amend an Act, entitled 'An Act to incorporate the White Cloud City Company, passed 1858, and the amendment to said act, and to legalize certain acts, therein named," which was

Read first time.

Mr. Hawkins introduced House Bill No. 124, entitled "An Act to provide for the execution of the trust under the Act of Congress, of the 23d of May A. D. 1844," which was

Read first time.

Mr. Simpson introduced House Bill No. 125, entitled "An Act to repeal parts of an Act therein mentioned," which was

Read first time.

House Bill No. 108, entitled "An Act to incorporate the Leavenworth and Smoky Hill Express Company,"

Read second time, and

Referred to Committee on Corporations and Banking.

House Bill No. 110, entitled "An Act authorizing the issuing and filing of transcripts,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 111, entitled "An Act to legalize the official acts of certain person therein named,"

Read second time, and

Referred to Committee on Judiciary.

House Bill No. 112, entitled "An Act legalizing Sheriff's Sales,"

Read second time, and

Referred to Committee on Judiciary.

On motion,

House Bill No. 10, entitled "An Act to incorporate the First Congregational Church at Manhattan,"

Read third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—26. Nays—None.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Pierce, Reynolds, Roberts, Simpson, Starns, Williams, Winchell.

So the Bill passed.

Title was agreed to.

Pursuant to leave granted before adjournment, the House went into Committee of the Whole, for the consideration of House Bills Nos. 12, 59 and 14.

The Speaker resumed the chair.

Message from the Council :

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 49, entitled "An Act legal-

izing certain official acts of the county officers of the county of Nemaha," without amendment.

Council Bill No. 6, "An Act divorcing Augustus Bilger and Emeline Bilger."

Council Bill No. 22, "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved February 25, 1860.

Council Bill No. 26, "An Act divorcing John Van Delft and Laura Van Delft."

Council Bill No. 30, "An Act respecting service by publication in civil cases," and solicit your concurrence.

JOHN J. INGALLS,
Secretary.

The Committee of the Whole, having disposed of all the Bills referred to it,

Arose, and, through its chairman, reported

House Bill No. 12, entitled "An Act to declare the Smoky Hill road from Fort Riley to Denver city and Colorado city, a Territorial road, with the following amendments:

Strike out section two, and add the following to section one: "And provided that this Act shall not take effect until after a copy of the report, as so made by H. T. Green, shall be filed in the office of the respective Registers of Deeds of the several counties through which said road is so laid out, so far as such lay out is made through any organized counties, and that said report be also filed in the office of the Secretary of this Territory."

Also, House Bill No. 59, entitled "An Act to amend an Act entitled 'An Act defining the mode of laying out and establishing Roads,' " with recommendation that the same be recommended to Committee on Roads and Highways.

Also, House Bill No. 14, entitled "An Act in addition to an Act entitled 'An Act respecting Notaries Public,' " and recommend that section one be stricken therefrom; also, that the title be so amended as to read "An Act to legalize certain official acts of Notaries Public."

On motion of Mr. Guthrie,

The report of the Committee of the Whole, on House Bill No. 14, was agreed to.

Also, House Bills Nos. 59 and 12.

On motion of Mr. Fairchild,

The rules were suspended, and the House dispensed with going into Committee of the Whole on

House Bill No. 81, "An Act to change the title of the Kansas Valley Bank, Branch at Atchison," and the Bill was .

Considered engrossed,

Read a third time.

The question being " Shall the Bill pass?" the vote resulted as follows :

Yeas—28. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Miller, McCook, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Winchell.

Mr. Wilson voted in the negative.

And so the Bill passed,

The title was agreed to.

On motion of Mr. Guthrie,

Rules were suspended, and

House Bill No 14, entitled " An Act in addition to an Act entitled ' An Act respecting Notaries Public,' " was

Considered engrossed and

Read a third time.

The question being, "Shall the bill pass?" the vote resulted as follows:

Yeas—27. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Miller, McCook, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Wilson, Winchell.

Mr. Lines voted in the negative.

—And so the Bill passed.

The title was agreed to.

On motion of Mr. Dunton,

Rules were suspended, and

House Bill No. 9, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" was

Considered engrossed and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—28. Nays—3.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Dunton, Evans, Fairchild, Guthrie, Graves, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Miller, McCook, Pierce, Reynolds, Roberts, Simpson, Starns, Williams, Winchell.

Those voting in the negative were

Messrs. Coffinberry, Greer, Snoddy.

And so the Bill passed,

The title was agreed to.

On motion of Mr. Winchell,

The House rescinded the resolution requiring Mr. Morrow to copy the Journal within the bar of the House.

By leave, Mr. Lillie introduced petition of E. K. Holderman, and nine others, citizens of Madison county, asking to be attached to Greenwood.

Referred to Committee on Counties and County Lines.

Also, petition of Michael Moore, and thirty-four others, citizens of Madison county, asking that twelve miles be stricken off the north side of Madison county, and attached to Breckinridge county, and the remainder be attached to Greenwood county.

Referred to Committee on Counties and County Lines.

Also, petition of J. M. Wheeler, and forty-five others, citizens of Madison county, asking that twelve miles be stricken off the north side of Madison county, and attach the same to Breckinridge county.

House Bill No. 16, entitled "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure;'"

House Bill No. 24, "An Act to amend an Act entitled 'An Act to incorporate the Kansas Central Telegraph Company,'" approved February 11, 1859;

House Bill No. 68, "An Act amendatory to an Act entitled 'An Act to provide for the Assessment and Collection of Taxes,'" approved February 27, 1860, being under consideration,

The House went into Committee of the Whole.

Mr. Guthrie in the chair.

The Committee of the Whole having disposed of all the Bills referred to it, arose, and, through its Chairman, reported House Bill No. 16, with the following amendment:

Strike out the words "in addition," in second line of section one, and first line of section two, and insert, in lieu thereof, the

word "amendatory." Also, strike out of the title the words "in addition to," and insert, in place thereof, the words "to amend."

Also, House Bill No. 46, without amendment.

Also, House Bill No. 68, without amendment.

On motion of Mr. Winchell,

The report of the Committee of the Whole on all the Bills was agreed to.

On leave, Mr. Bailey introduced House Bill No. 126, entitled "An Act supplementary to an Act entitled 'An Act to incorporate the Leavenworth City Railroad Company,' " approved February 27, 1860, which was

Read first time.

By leave, Mr. McCook introduced House Bill No. 127, entitled "An Act to incorporate the New York Mining and Tunnelling Company," which was

Read first time.

On motion,

House adjourned until to-morrow at 9 o'clock A. M.

ALFRED GRAY,
Chief Clerk.

TUESDAY, January 22, 1861, }
NINE o'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

The following gentlemen answered to their names :

Messrs. Burnett, Graves, Hanway, Miller, Roberts, Thoman,
Winchell.

Quorum not being present,

Absentees were called, and

On motion of Mr. Roberts,

The door of the House was ordered to be closed, and no member allowed to pass, except in the custody of the Sergeant-at-Arms, who was instructed to bring in absent members.

Sergeant-at-Arms appeared with

Messrs. Lakin, Williams, Deitzler, Markham, Lillie, Hawkins, Pierce, Anderson, Starns, Wilson, Humber, Evans, Bowker.

Absentees again called, and a quorum being present,

On motion of Mr. Deitzler,

Further proceedings under the rule were dispensed with.

Prayer by the Rev. Mr. Cordley.

Journal of yesterday read, corrected and approved.

On motion of Mr. Roberts,

The morning orders, except petitions, reports of Standing Committees and messages from the Council, were dispensed with.

By leave Mr. Winchell introduced House Bill No. 128, entitled "An Act making an appropriation for the payment of the Clerk of the House, for the session of 1860, for extra services; also certificates of the Auditor, to claim of M. W. Delahay, for \$800."

On motion of Mr. Winchell,

The rules were suspended, and

House Bill No. 128 was

Read second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—29. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gilpatrick, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Mr. Humber voting in the negative.

Mr. Miller excused from voting.

And so the Bill passed, and

The title was agreed to.

Mr. Gilpatrick presented the petition of Stephen Marsh and others for a Territorial road from Paola, in Lykins county, to some point on the Neosho river, in Coffey county.

Referred to Committee on Roads and Highways.

Also, Regon Porter and others presented a petition against the law restraining hogs from running at large.

Referred to Committee on Agriculture.

Also, of A. Stanwood and others praying for a Territorial road

from Paola, in Lykins county, to the river Neosho, in Coffey county.

Referred to Committee on Roads and Highways.

Also, of W. M. Nichols and others praying for the postponement of the time for the payment of taxes.

Referred to Committee on Ways and Means.

Mr. Anderson presented the remonstrance of J. W. Williams and 26 others, against the further partition of Jackson county.

Referred to Committee on Counties and County lines.

Also, petition of J. W. Williams and 26 others, praying for a change of county lines of Jackson and Shawnee counties.

Referred to Committee on Counties and County lines.

Also, of James Renney and 74 others, praying to prevent the running at large of swine.

Referred to Committee on Agriculture.

Mr. Bailey presented the petition of G. J. Park and 74 others, to reduce the fees of officers.

Referred to Committee on Judiciary.

Mr. Cowles presented a petition of J. P. Clayton for divorce from Ellen Clayton.

Referred to Committee on Judiciary.

Also, for Elizabeth E. Barnes from Oliver C. Barnes.

Referred to Committee on Judiciary.

The Speaker presented the following communication:

MR. SPEAKER:—I hereby tender my resignation as Engrossing Clerk of the House.

JOHN T. LANTER.

January 22, 1861.

On motion,

Mr. Lanter's resignation was accepted.

Mr. ——— moved that the House proceed to the election of an Engrossing Clerk.

Mr. Winchell moved that the House hold a special session, this afternoon, for the election of Engrossing Clerk.

Lost.

Mr. Guthrie moved that the election of Engrossing Clerk be postponed and made the special order for to-morrow morning at nine o'clock.

Motion prevailed.

Report of Mr. Burris, Chairman of the Committee on Judiciary :

MR. SPEAKER :—The Judiciary Committee have had under consideration House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith," and instruct me to report the accompanying substitute therefor.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Judiciary Committee have had under consideration House Bill No. 111, entitled "An Act to legalize the official acts of certain persons therein named," and report the same back without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on the Judiciary have had under consideration House Bill No. 112, entitled "An Act legalizing Sheriff's sales," and report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Judiciary Committee have had under consideration House Bill No. 79, entitled "An Act amendatory to an Act to provide for the assessment and collection of taxes, approved February 27, 1860," and instruct me to report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Judiciary Committee have had un-

der consideration House Bill No. 69, "An Act to legalize the official acts of Notaries Public in Arrapahoe county, in certain cases," and instruct me to report the same back to the House with the following amendment:

Insert after the word "Seal," in the fourth line of section one, the following words: "If otherwise regular and valid," and recommend its passage.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on the Judiciary have had under consideration House Bill No. 78, "An Act amendatory to an Act entitled an Act to establish a Code of Criminal Procedure, approved February 9, 1859," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Judiciary Committee have had under consideration House Bill No. 90, "An Act legalizing the conveyance by the Stranger River Bridge Company, to the county of Leavenworth," and instruct me to report the same back to the House with the following amendment:

Add to the first section the following words: "*Provided*, That no tolls shall be charged for crossing on said Bridge," and with such amendment, recommend its passage.

JOHN T. BURRIS,
Chairman.

Report of Mr. Bailey, Chairman from Committee on Corporations and Banking:

The Committee on Corporations and Banking, to whom was referred House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

The Committee on Corporations and Banking, to whom was referred House Bill No. 37, entitled "An Act to incorporate the First Baptist Church in the City of Manhattan," have had the same under consideration, and I am instructed to report the Bill back to the House with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was

referred House Bill No. 102, entitled "An Act to change the name of the Cinnabar Mining Company," have had the same under consideration, I and am instructed to report the Bill back to the House as committed.

Report of Mr. Bowker, Chairman, from Committee on Engrossed Bills :

MR. SPEAKER:—The Committee on Engrossed Bills, to whom was referred the subject of Engrossing Clerk and Assistants, have had the same under consideration, and instruct me to report as follows:

As Mr. Lanter, the principal Engrossing Clerk, has resigned, it was unnecessary for the Committee to take into consideration his qualification for the office; but, in justice to Mr. Lanter, the Committee take the liberty to say that he is a man of integrity and worth, and that they regret exceedingly that the official intercourse, necessarily existing between him and them, has terminated.

The Committee further report that, in their opinion, it will be necessary for the Engrossing Clerk to have but one assistant; that the names of William Hutchinson, N. W. Cox and Daniel M. Adams have been presented to the Committee for positions in the Engrossing Department; that, in the opinion of the Committee, all the above named persons are qualified to perform the duties of the Department; therefore, the Committee recommend the House to elect, from the above named persons, one Engrossing Clerk and one Assistant.

WM. E. BOWKER,
Chairman.

Mr. Winchell moved to refer the report back to the Committee on Engrossed Bills, with instructions to report to-morrow morning.

Lost.

Mr. Hanway, Chairman from the Special Committee on Seed Wheat, made the following report:

The Committee, to whom was referred a resolution to memorialize Congress, to make appropriations for Seed Wheat, report that, however desirable the object contemplated by the resolution may be, yet, in the opinion of the Committee, there is not sufficient time to carry out the objects of the resolution; therefore your Committee report that the request of the resolution is impracticable.

JAMES HANWAY,
Chairman.

On motion of Mr. Winchell,

Report was received, and Committee discharged from further consideration.

The Committee, to whom was referred the resolution on the payment of Clerks, &c., of the House, beg leave to report the following Bill.

J. M. WINCHELL,
ROBERT REYNOLDS.

Mr. Winchell, Chairman, from Committee to whom was referred resolution on the payment of Clerks, &c., of the House, reported the following Bill:

House Bill No. 129, "An Act defining the extra officers of the Council and House of Representatives, and fixing their salaries," which was

Read first time.

Council Bill No. 22, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure, approved February 25th, 1860,'" which was

Read first time.

Also, Council Bill No. 26, entitled "An Act divorcing John Van Delft and Laura Van Delft," which was

Read first time.

Council Bill No. 30, entitled "An Act respecting service by publication in civil cases," which was

Read first time.

Also, Council Bill No. 6, entitled "An Act divorcing Augustus Belger and Emeline Belger."

Council Bill No. 1, entitled "An Act supplementary to an Act entitled, 'An Act to regulate the taking up and posting of trays,' approved February 2d, 1859," was

Read second time and

Referred to Committee on Agriculture.

Council Bill No. 25, entitled "An Act divorcing Henry Smith and Harriet Smith,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 113, entitled "An Act regulating the fees of Clerks of the several Courts, and Sheriffs of the several Counties of this Territory, and to repeal sections 1, 2 and 3 of an Act entitled, 'An Act regulating fees of the several District Courts and for other purposes, approved February 27th, 1860,' and sections 1, 2, 3, 6 and 26 of 'An Act regulating the fees of officers, jurors and witnesses,' approved February 11th, 1859,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 114, entitled "An Act to establish a ferry across the Kansas river, at the mouth of Soldier Creek, in Shawnee county,"

Read second time and

Referred to Committee on Corporations and Banking.

House Bill No. 115, entitled "An Act to amend an Act entitled 'An Act to prevent the firing of woods, marshes and prairies, approved February 9th, 1859,'"

Read second time and

Referred to Committee on Agriculture.

House Bill No. 116, entitled "An Act amendatory to an Act entitled, 'An Act incorporating the City of Quindaro, approved January 25th, 1859, and 'An Act supplementary thereto,' approved February 8th, 1859,"

Read second time and

Referred to Committee on Corporations and Banking.

House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company,"

Read second time and

Referred to Committee on Corporations and Banking.

House Bill No. 118, entitled "An Act to remove the Seat of Government of the Territory of Kansas, from Lecompton to Lawrence,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 119, entitled "An Act relating to the organization of School Districts and Schools,"

Read second time and

Referred to Committee on Education.

House Bill No. 120, entitled "An Act legalizing the acts of Sheriffs in the year 1860,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 121, entitled "An Act providing for a certain Territorial Road,"

Read second time and

Referred to Committee on Roads and Highways.

House Bill No. 122, entitled "An Act to establish a Territorial Road,"

Read second time and

Referred to Committee on Roads and Highways.

House Bill No. 123, entitled "An Act to amend an Act entitled, 'An Act to incorporate the White Cloud City Company, passed 1858,' and the amendments to said Act, and to legalize certain Acts therein named,"

Read second time and

Referred to Committee on Corporations and Banking.

House Bill No. 124, entitled "An Act to provide for the execution of the trust under the Act of Congress, of the 23d of May, A. D. 1844,"

Read second time and

Referred to Committee on Federal Relations.

House Bill No. 125, entitled "An Act to repeal parts of an Act therein mentioned,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 126, entitled "An Act supplementary to an Act entitled 'An Act to incorporate the Leavenworth City Railroad Company,' approved February 27th, 1860,"

Read second time and

Referred to Committee on Corporations and Banking.

House Bill No. 127, entitled "An Act to incorporate the New York Mining and Tunnelling Company."

Read second time and

Referred to Committee on Incorporations and Banking.

House Bill No. 12, was

Read a third time, and

On motion of Mr. Winchell,

Laid over until to-morrow.

On motion,

House Bill No. 16, "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,'" was

Read third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—23. Nays—3.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Coffinberry, Cowles, Dunton, Evans, Fairchild, Graves, Humber, Hanway, Hawkins, Lakin, Lines, Pierce, Reynolds, Roberts, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. McCook, Snoddy, Simpson.

So the Bill passed.

The title was agreed to.

House Bill No. 46, "An Act to amend an Act entitled 'An Act to incorporate the Kansas Central Telegraph Company,'" approved February 11, 1859, was

Read third time, and,

On motion,

Further consideration of the Bill was postponed for the present.

On motion of Mr. Burris,

House Bill No. 68, entitled "An Act amendatory to 'An Act to provide for the Assessment and Collection of Taxes,'" approved February 27, 1860, was

Recommitted to Committee on Judiciary.

House Bill No. 74, entitled "An Act to abolish the Office of Register of Deeds of the City of Lawrence;"

Also, House Bill No. 54, entitled "An Act to legalize the acts of N. C. Blood, acting Justice of the Peace in the township of Palmyra, Douglas county, Kansas;"

Also, Council Bill No. 2, entitled "An Act to repeal an Act entitled 'An Act for the benefit of Livery Stable Keepers,'" being under consideration,

The House went into Committee of the Whole.

Mr. Winchell in the chair.

The Committee of the Whole, having disposed of all the Bills referred to it, arose, and, through its Chairman, reported to the House :

House Bill No. 74, with the following amendments :

Strike out, in the first line of section one, " from and after the passage of this Act ;" and insert, in second line of section one, after the word " Lawrence," the following: " Executed after the passage of this Act." Also, after the word " purchaser," in same line, insert the words " without notice."

Also, House Bill No. 54, with the following amendments :

Strike out the word " the," after legalize, in the title, and insert the word " certain " in place thereof.

Also, Council Bill No. 2, with the information that they have stricken out the enacting clause thereof.

On motion of Mr. Burris,

The report of Committee of the Whole was

Agreed to, and

Bills reported ordered to be engrossed for third reading.

House Bill No. 91, entitled "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon Execution and other process,' " approved February 7, 1859 ;

Also House Bill No. 24, entitled "An Act to incorporate the City of Marysville ;"

Also, House Bill No. 83, entitled "An Act for the encouragement of the Manufacture of Wine," being under consideration,

The House went into Committee of the Whole.

Mr. Denton in the chair.

The Speaker announced the following message from the Council :

Message from the Council :

Message from the Council :

Council has passed Council Bill No. 19, entitled "An Act changing the Western boundary of Chase county," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

MR. SPEAKER:—I am directed to notify the House of Representatives that the Council has adopted the following Concurrent Resolution, and request your concurrence:

WHEREAS, the members of the two Houses of the Legislative Assembly subscribed liberally for the Lawrence Daily *Republican*, for the purpose of disseminating, more readily, the proceedings of the Legislature among their constituents; therefore,

Resolved, By the Council, (the House concurring,) That the conductors of said paper be most respectfully requested to report in full, in said paper, the proceedings of the two Houses, it being the legitimate object of the subscription.

Resolved, That the Sergeant-at-Arms of the House be directed to deliver a copy of the resolution to the publishers of that paper forthwith.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Burris,

House concurred in concurrent resolution reported from the Council.

Committee of the Whole arose, and, through its chairman, reported progress, and asked leave to sit again to-morrow.

Leave was granted.

Mr. McCook offered the following resolution, which was rejected:

Resolved, That the Sergeant-at-Arms be required to ascertain, if possible, the person who steals books and other property from members' desks, and report the same to the House.

On motion of Mr. Roberts,

The Committee on Federal Relations was discharged from duty.
The Committee on House Affairs (No. 124) the same was

Resolved,

By leave, Mr. Bailey introduced House Bill No. 130, entitled "An Act to restore the county of Arrappahoe to its original limit and boundaries," which was

Read first time.

Also, House Bill No. 131, entitled "An Act to incorporate the Independent Order of German Brethren," which was

Read first time.

Mr. Guthrie introduced House Bill No. 132, entitled "An Act making an appropriation for the payment of O. Root and John R. Swallow, for services as members of the Leavenworth Constitutional Convention," which was

Read first time.

Mr. Lillie introduced House Bill No. 133, entitled "An Act to locate permanently the county seat of Breckinridge county," which was

Read first time.

House Bill No. 134, entitled "An Act to incorporate the Tecumseh and Council Grove Railroad Company," which was

Read first time.

By leave, Mr. Thoman introduced House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association," which was

Read first time.

By leave, Mr. Anderson introduced House Bill No. 136, entitled "An Act to legalize the official acts of John McCreary acting Justice of the Peace in the township of Jefferson, Jackson county, K. T.," which was

Read first time.

By leave, Mr. Burris introduced House Bill No. 137, entitled "An Act amending an Act exempting property from execution," which was

Read first time.

Also, House Bill No. 138, entitled "An Act for the relief of occupying claimants of Land," which was

Read first time.

On motion,

House adjourned, until to-morrow at nine o'clock A. M.

ALFRED GRAY,
Chief Clerk.

WEDNESDAY, Jan. 23, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Roll called.

Quorum present.

Absentees—Messrs. Bailey, Buckmaster, Cowles, Dunton, Fairchild, Guthrie, Gilpatrick, Hawkins, Kean, Lillie, McCook, Reynolds, Roberts, Simpson, Starns.

Prayer by the Rev. Chas. Reynolds.

Journal of yesterday read, corrected and approved.

On motion of Mr. Perry,

John Kean was sworn as a member from Atchison.

On motion of Mr. Lines,

A special Committee of three was appointed to confer with the Governor in relation to stationery for the use of the House.

Committee—Messrs. Lines, Lakin and Simpson.

Report of Mr. Burris, chairman from Committee on Judiciary :

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 98, “ An Act repealing section two of an Act entitled ‘ An Act to amend an Act entitled ‘ An Act regulating the jurisdiction and procedure before a Justice of the Peace, and the duties of Constables in certain cases,’ ” and report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Judiciary Committee have had under consideration House Bill No. 120, entitled “ An Act legalizing the acts of Sheriffs in the year 1860,” and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 118, entitled “ An Act to remove the seat of government of the Territory of Kansas from Leecompton to Lawrence, and recommend its passage.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 110, “ An Act authorizing the issuing and filing of transcripts,” and instruct me to report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 45, “ An Act divorcing Mary Ann Allen and Ezra G. Allen, and a majority of the Committee instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on the Judiciary have had under consideration House Bill No. 106, “ An Act amendatory to an Act entitled ‘ An Act to establish a Code of Civil Procedure,’ ” approved February 11th, 1859, and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Judiciary Committee have again had under consideration House Bill No. 43, "An Act to provide for the transcribing of certain records," and instruct me to report adversely on said Bill.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Judiciary Committee have had under consideration House Bill No. 70, "An Act repealing an Act entitled 'An Act to establish the office of Land District Recorder,' and providing for the disposition of the records in said office," and a majority of said Committee recommend that said Bill be negatived.

JOHN T. BURRIS,
Chairman.

Leave was granted to Mr. Burris to withdraw petition of John Wood and others.

Mr. Graves, Chairman of Committee on Agriculture, made the following report:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred House Bill No. 101, "An Act for the encouragement of Wool growing," have had the subject under consideration and instruct me to report the following explanatory Bill:

"An Act explanatory of an Act to provide for the assessment and collection of taxes. Section 1. That so much of the Act to which this is explanatory, passed February 27th, 1860, as conflicts with "An Act to provide for wool growing," be and the same is hereby repealed.

SEC. 2. This act to take effect from and after its passage.

P. GRAVES,
Chairman.

MR. SPEAKER:—The Committee on Agriculture, to whom was referred the petition of John K. Whitson and 26 others, of Jackson township, Riley county, and

Also, petition from Jonas Kress and 75 others, of the township and county aforesaid, praying to be exempted from the operation of "An Act to provide for the running at large of swine," approved January 28th, 1860, having had the same under consideration, instruct me to report adversely to the prayer of said petitioners.

P. GRAVES,
Chairman.

MR. SPEAKER:—The Committee, to whom was referred House

Bill No. 95, have had the same under consideration, and instruct me to report the same back without amendment.

P. GRAVES,
Chairman.

Report of Mr. Bailey from Committee on Corporations and Banking:

The Committee on Corporations and Banking, to whom was referred House Bill No. 75, entitled "An Act to incorporate the South Tecumseh Town Association," have had the same under consideration, and I am instructed to report the same back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 114, entitled "An Act to establish a ferry across the Kansas river at the mouth of Soldier Creek, Shawnee county," have had the same under consideration and I am instructed to report the Bill back to the House with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 127, to incorporate the New York Mining and Tunnelling Company, have had the same under consideration, and I am instructed to report the same back to the House as committed.

D. H. BAILEY,
Chairman.

Report of Mr. Snoddy from Committee on Enrolled Bills:

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 49, entitled "An Act legalizing certain official acts of the county officers of the County of Nemaha," and find the same correctly enrolled.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 55, entitled "An Act to establish a ferry at the town of De Soto," and find the same correctly enrolled, but the Bill is otherwise defective; section 7 of said Act reads as follows: That the charter hereby granted shall extend for a term of fifteen years. This Act to take effect and be in force from and after its passage.

This section containing two distinct subjects, should be divided into two sections.

JOHN T. SNODDY,
Chairman.

Report of Mr. Bowker, Chairman, from Committee on Engrossed Bills:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 74 and find the same correctly engrossed.

WILLIAM E. BOWKER,
Chairman.

Council Bill No. 19, entitled "An Act changing the Western Boundary Line of Chase County, was.

Read first time.

Mr. Bowker offered the following resolution:

Resolved, That we now proceed to the election of Engrossing Clerk, each member, as his name is called, indicating the person of his choice; the person having the highest number of votes to be Engrossing Clerk, and that then we elect an Assistant in the same manner.

Mr. Snoddy moved to amend, so as to require a majority of all the votes cast to elect,

Which prevailed.

Mr. Fairchild nominated Joseph W. H. Watson, of Wyandott County.

Mr. Snoddy nominated Wm. Hutchinson.

Mr. Greer nominated Mr. N. W. Cox.

Mr. Anderson nominated D. M. Adams.

Mr. D. M. Adams having received on second ballot 21 votes, the same being a majority, he was declared duly elected, and sworn into office.

Mr. Fairchild nominated Watson.

Mr. Snoddy nominated Hutchinson.

Mr. Greer nominated Cox.

Mr. Watson having received 22 votes, and the same being a majority, he was declared duly elected and sworn into office.

Mr. Winchell introduced House Bill No. 139, entitled "An Act limiting the powers of County Commissioners over Territorial Roads," which was

Read first time.

Also, House Bill No. 140, entitled "An Act concerning Roads in Osage and Breckinridge counties," which was

Read first time.

On motion of Mr. Winchell,

Rules were suspended, and

House Bills No. 139 and 140 were

Read second time, and

Referred to a Special Committee of three.

Committee consisting of Messrs. Winchell, Lillie and Hawkins.

Mr. Bailey introduced House Bill No. 141, entitled "An Act to incorporate a ferry across Grasshopper River," which was

Read first time.

Also, House Bill No. 142, entitled "An Act to exempt the Firemen of Leavenworth City from poll tax, which was

Read first time.

Mr. Greer introduced House Bill No. 143, entitled "An Act divorcing Samuel Mulligan and Charlotte Mulligan," which was

Read first time.

Mr. Perry introduced House Bill No. 144, entitled "An Act to incorporate the Leavenworth County Agricultural and Mechanical Association," which was

Read first time.

Mr. Burnett introduced House Bill No. 145, entitled "An Act to incorporate the Mapleton Academy," which was

Read first time.

Mr. Deitzler introduced House Bill No. 146, entitled "An Act amendatory to 'An Act entitled an Act to establish a Code of Civil Procedure,' " which was

Read first time.

Mr. Miller introduced House Bill No. 147, entitled "An Act divorcing William A. Baldwin and Julia S. Baldwin," which was

Read first time.

On motion of Mr. Greer,

Rules were suspended and

House Bill No. 141 was

Read second time, and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 142 was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 143 was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 144 was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 145 was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 146 was

Read second time and

Referred to Committee on Judiciary.

House Bill No. 147 was

Read second time and

Referred to Committee on Judiciary.

By leave, Mr. Burris introduced House Bill No. 151, entitled "An Act establishing a branch department of Baker University by the Kansas Educational Association of the Methodist Episcopal Church," which was

Read first time.

Mr. Guthrie, from Committee on Judiciary, made the following minority report on petition of Mary H. Allen for divorce :

The Committee on Judiciary, to whom was referred House Bill No. 45, and accompanying papers, having had the same under consideration, have disagreed thereon, and a minority agree upon the following report:

That said parties have been legally married for a period of about thirty years ; that said parties have been residents in this Territory for a period of two years, prior to December, A. D. 1859, at which said time said Ezra G. Allen wilfully deserted the said Mary Allen, and has since said time wholly refused to provide for the support or the maintenance of his family ; and that the whereabouts of Ezra G. Allen, since the time of said desertion, has been wholly unknown to said Mary Ann, who, during all said time, has continued to reside in said Territory ; that, by the laws of the Territory, ample relief is provided for the class of cases herein reported.

All of which is respectfully submitted.

W. W. GUTHRIE,
J. P. GREER.

On motion,

Council Bill No 6, entitled " An Act divorcing Augustus Bilger and Emeline Bilger,"

Read second time.

Referred to Committee on Judiciary.

Council Bill No 26, entitled "An Act divorcing John Van Delft and Laura Van Delft."

Read second time.

Referred to Committee on Judiciary.

Council Bill No. 22, entitled "An Act to amend an Act to establish a Code of Civil Procedure," approved February 25, 1860.

Read second time.

Referred to Committee on Judiciary.

House Bill No. 30, entitled "An Act respecting services by publication in civil cases,"

Read second time.

Referred to Committee on Judiciary.

House Bill No. 129, entitled "An Act defining the extra offices of the Council and House of Representatives, and fixing their salaries,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 130, entitled "An Act to restore the county of Arrappahoe to its original limits and boundaries,"

Read second time.

On motion of Mr. McCook, it was

Referred to Special Committee of three, to-wit: McCook, Dunton and Gier.

House Bill No. 131, entitled "An Act to incorporate the Independent Order of German rethren,"

Read second time, and

Referred to Committee on Corporations.

House Bill No. 132, entitled "An Act making an appropria-

tion for the payment of O. Root and John R. Swallow, officers and members of the Leavenworth Constitutional Convention,"

Read second time and

Referred to Committee on Claims.

House Bill No. 133, entitled "An Act to locate permanently the county seat of Breckinridge county,"

Read second time and

Referred to Committee on Counties and County Lines.

House Bill No. 134, entitled "An Act to incorporate the Tecumseh and Council Grove Railroad Company,"

Read second time and

Referred to Committee on Corporations and Banking."

House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association,"

Read second time and

Referred to Committee on Corporations and Banking.

House Bill No. 136, entitled "An Act to legalize the official acts of John McCreary, acting Justice of the Peace in the township of Jefferson, Jackson county, K. T.,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 137, entitled "An Act amending an Act exempting property from Execution,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 138, entitled "An Act relating to occupying claimants,"

Read second time and

Referred to Committee on Judiciary.

By leave, Mr. Miller introduced House Bill No. 148, entitled "An Act legalizing the acts of Chas. A. Foster, of Lykins county, as Notary Public," which was

Read first time.

On motion of Mr. Miller,

Rules were suspended,

Bill read second time and

Referred.

Mr. Bailey introduced House Bill No. 149, entitled "An Act to amend an Act entitled 'An Act to provide for the assessment and collection of Taxes so far as the same refers to Leavenworth city,' "

Read a first time, and

On motion of Mr. Bailey,

Rules were suspended, and

Bill read second time and

Referred.

Mr. Bailey introduced petition of Robert Robertaille and twenty-eight others, praying to be exempted from the operations of an Act incorporating the city of Quindaro,

Referred to Committee on Judiciary.

On motion of Mr. Starns,

The rules were suspended, and

House Bill No. 95, entitled, "An Act to protect game in Leavenworth county," was

Considered engrossed and

By unanimous consent was amended by striking out of section three, second line, the word "exclusion," and the words "from

whose judgment there shall be no appeal." Also, add to section four, "provided that nothing in this Act shall be construed to apply to Easton township in said county,"

The Bill was read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—33. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Fairchild, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Evans and Kean.

And so the Bill passed, and

The title agreed to.

On motion of Mr. Lines,

Messrs. Smith and Sleeper were sworn in as Assistant Enrolling Clerks.

By leave, Mr. Pierce introduced the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be authorized to procure a supply of mucilage for the use of the members.

House Bill No. 74, entitled "An Act to abolish the Register of Deeds of the City of Lawrence," was

Read the third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lines, Markham, Miller, McCook, Pierce, Perry, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams, Wilson and Winchell.

So the Bill passed, and

The title agreed to.

On motion,

House Bill No. 54, entitled "An Act to legalize the acts of N. C. Blood, acting Justice of the Peace, in the Township of Palmyra, Douglas county, Kansas," was

Read a third time.

The question being—"Shall the Bill pass?" the vote resulted as follows:

Yeas—35. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gulpatriek, Humber, Hanway, Hawkins, Kean, Lakin, Lines, Markham, Miller, McCook, Pierce, Perry, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams, Wilson and Winchell.

So the Bill passed, and

The title agreed to.

On motion of Mr. Burnett,

The House went into Committee of the Whole for the consideration of House Bill No. 46.

Mr. Bailey in the chair.

The Committee of the Whole having disposed of the Bill referred to it, arose and reported to the House:

House Bill No. 46, entitled "An Act to amend an Act entitled 'An Act to incorporate the Kansas Central Telegraph Company,'" approved February 11th, 1859, with the following amendment:

Add following additional section No. 3: "That the provisions of section 9, of the Act to which this is a supplement, in the words following, to wit: 'This corporation, and all other companies organized under the laws of this Territory, shall have power to change their names and places of business, at such times and to such places, within this Territory, as the managers thereof shall determine,' be and the same is hereby repealed; and No. section 3 as in Bill No. 4."

On motion of Mr. Winchell,

The report was agreed to and the Bill

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—32. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Miller, McCook, Pierce, Perry, Reynolds, Snoddy, Simpson, Starns, Thoman, Williams, Wilson and Winchell.

So the Bill passed, and

The title agreed to.

On motion of Mr. Bailey,

Rules were suspended and

House Bill No. 150 was

Read second time.

Ordered to lay on the table and be printed.

Pursuant to leave granted yesterday,

The House went into Committee of the Whole, for the further consideration of House Bill No. 91, entitled "An Act supplementary to an Act entitled 'An Act exempting certain property from sale upon execution or other process,'" approved February 7th, 1859.

Also, House Bill No. 24, entitled "An Act to incorporate the city of Marysville."

Also, House Bill No. 83, entitled "An Act for the encouragement of the Manufacture of Wine."

The Committee of the Whole having disposed of all the Bills referred to it, arose, and reported to the House, through its Chairman :

House Bill No. 91, without amendment.

Also, House Bill No. 24, with the following amendments :

Strike out of line thrd, in section one of Article one, the word "Merrall," and insert in place thereof, "Morrall."

Also, strike out of section five of Article one, all after the word "all," in the first line, to the word "who" in the second line, and insert, in place thereof, "qualified electors of the Territory of Kansas,"

Also, strike out the word "five," in the first line of section one, Article 2, and insert in place thereof the word "six."

Also, strike out of first line of section four, Article two, the name of "Samuel Rains," and insert, in place thereof, "Thomas W. Waterson."

Also, strike out the word "five," in sections one and two of Article three, and insert "six."

Also, retain the words between brackets, and strike out the brackets from section six, Article nine.

Also, House Bill No. 83, with the following amendments :

Strike out the word "land" in the first line of section one,

and insert, in the place thereof, "Personal and Real Property." Insert after the word "hereafter," in same line, the word "exclusive," and after section one, "until otherwise provided by law."

On motion of Mr. Guthrie,

The report of the Committee of the Whole was considered, as to each Bill, separately.

Message from the Council :

MR. SPEAKER:—I am directed to notify the House of Representatives that the Council have passed the following Bills, and ask your concurrence :

Council Bill No. 20, entitled "An Act changing the Eastern boundary of Morris county."

Council Bill No. 21, entitled "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the City of Junction, and to provide for the election of Justice.'"

Council Bill No. 29, entitled "An Act to organize the county of Orange."

Council Bill No. 31, entitled "An Act to amend the Code of Civil Procedure respecting appraisement of Real Property."

Council Bill No. 32, entitled "An Act establishing and defining the boundaries of the counties of Neosho and La Bette."

Council Bill No. 39, entitled "An Act to provide for the location of the county seat of Franklin county."

House Bill No. 3, entitled "An Act to repeal certain laws therein named."

House Bill No. 81, "An Act to change the title of the Kansas Valley Bank, Branch at Hichison," without amendment.

House Bill No. 7, "An Act to declare the military road from Fort Riley to Fort Larned a Territorial road," with the following amendment:

Add to section first, "*Provided*, That no survey shall be made by the Territory, and that the Territory shall be at no expense for the same."

House Bill No. 32, "An Act to change the name of Abraham Lawsing to John Wells, and legalizing his official acts and business transactions," with the following amendments:

In the title strike out all after the word "Wells." Strike out section two entire. Your concurrence is solicited.

JOHN J. INGALLS,
Secretary.

Mr. Winchell moved to amend the report of the Committee of

the Whole by striking out of section one, of House Bill No. 91, as reported by Committee of the Whole, all after the words "Territory of Kansas."

Lost.

The question was on the adoption of the report on House Bill No. 91, entitled "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon execution or other process,'" approved Feb. 7, 1859.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—23. Nays—10.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burris, Cowles, Dunton, Evans, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Markham, Miller, Perry, Reynolds, Snoddy, Simpson, Starns, Thoman and Wilson.

Those voting in the negative were

Messrs. Burnett, Coffinberry, Deitzler, Guthrie, Gilpatrick, Lines, McCook, Pierce, Williams and Winchell.

So the Bill passed.

The title was agreed to.

On motion of Mr. Winchell,

The report of the Committee of the Whole on House Bills Nos. 24 and 83, was

Agreed to.

The Bills reported were

Ordered to be engrossed for third reading.

By leave Mr. Thoman introduced House Bill No. 152, which was

Read first time.

Mr. Snoddy moved to rescind the resolution providing for but one daily session of the House.

Yeas and Nays were demanded, with the following result :

Yeas—11. Nays—21.

Those voting in the affirmative were

Messrs. Burnett, Coffinberry, Guthrie, Humber, Lillie, Lines, McCook, Pierce, Snoddy, Thoman and Starns.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Burris, Cowles, Deitzler, Evans, Greer, Graves, Hanway, Hawkins, Kean, Lakin, Markham, Miller, Perry, Reynolds, Simpson, Williams, Wilson and Winchell.

By leave, Mr. Greer introduced the following resolution :

Resolved, That one thousand copies of the Territorial Auditor's Report be printed for the use of the members of this House, and 500 copies thereof for the use of the Auditor.

[See Report, commencing page 50.—PRINTER.]

Mr. Perry moved to amend by having 300 of the copies printed in German, which was

Accepted.

On motion of Mr. Bailey, the

Rules were suspended, for the purpose of considering the resolution now.

Mr. Miller moved that that portion requiring 300 copies to be printed in German be stricken out.

Lost.

The resolution as amended was adopted.

Mr. Thoman moved to suspend the rules, in order that House Bill No. 152 be read second time and referred.

Mr. Burris moved to amend, so as to include House Bill No. 151.

Accepted, and

Motion as amended, prevailed.

House Bill No. 151, entitled "An Act establishing a Branch Department of Baker University by the Kansas Educational Church,"

And House Bill No. 152, were

Read second time and

Referred to Committee on Corporations and Banking.

By leave, Mr. Bailey, Chairman, from Committee on Corporations and Banking made a report.

On motion of Mr. Guthrie,

House Bill No. 132, entitled "An Act making an appropriation for the payment of O. Root and John R. Swallow, officers and members of the Leavenworth Constitutional Convention," be

Withdrawn, from Committee on Claims,

And placed in general orders.

Leave was granted to Mr. Guthrie to withdraw

House Bill No. 85, entitled "An Act providing for the stay of execution in certain cases."

House Bill No. 84, "An Act regulating the sessions of the County Tribunal of Leavenworth County,"

Also, House Bill No. 84, entitled "An Act to restrain Dram Shops and Taverns, and regulate the sale of intoxicating liquors,"

Also, House Bill No. 99, entitled "An Act legalizing the assessment of taxes in the City of Lawrence, and for other purposes,"

Being under consideration,

The House went into Committee of the Whole.

Mr. Burris in the chair.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House of Representatives that the Council have passed

House Bill No. 9, "An Act to amend an Act entitled, 'An Act to incorporate the Blue River Bridge Company,' approved February 9th, 1859," without amendment.

JOHN J. INGALLS,
Secretary.

Committee of the Whole arose, and through its Chairman, reported progress, and asked leave to sit again to-morrow.

Which was granted.

On leave Mr. Bailey introduced House Bill No. 153, which was

Read first time.

On motion,

House adjourned until to-morrow at 9 o'clock A. M.

ALFRED GRAY,
Chief Clerk.

THURSDAY, January 24, 1861, }
NINE o'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Buckmaster, Burnett, Cowles, Dunton, Evans, Fairchild, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lillie, Lines, Markham, McCook, Pierce, Roberts, Starns, Winchell.

Prayer by the Rev. Mr. Moore.

Journal of yesterday read, corrected and approved.

On motion of Mr. Burris,

House Bill No. 70, "An Act repealing an Act entitled 'An Act to establish the office of Land District Recorder,' and providing for the disposition of the records in said office," was

Read ——— time.

Mr. Bowker presented the petition of William ——— and 24 others, for the pardon of Robert McNoun.

Referred to Committee on Judiciary.

Mr. Gilpatrick presented the following from John Speer, proprietor of the *Lawrence Republican* :

OFFICE OF LAWRENCE REPUBLICAN, }
January 22, 1861. }

To the Legislative Assembly of the Territory of Kansas :

The undersigned, publishers of the "*Lawrence Republican*," acknowledge the receipt, from your Honorable body, of Joint Resolution of the Kansas Legislature, in reference to the "*Daily Lawrence Republican*," and take this opportunity respectfully to say that, while they take pleasure in acknowledging the liberality of the members of the two Houses, in their subscription to said paper, they assure them that no one of them has made one-tenth the sacrifices, in his subscriptions to said paper, that its proprietors are making to sustain it. They also respectfully refer them to the circular issued in regard to said paper, at the commencement of the session, in which they only propose to give faithful *abstracts* (not *reports*) of the Legislative proceedings, as well as the latest and most reliable intelligence from the States, and especially of the troubles in the South. This we *tried* to do ; but while we think we have done about what we agreed to accomplish, we regret that we have been unable to do more. We have faced great difficulty in accomplishing even what we have, on account of the fact that the enterprise itself would not justify

us in keeping a reporter in each House, and we were frequently unable to get access to the Journals, although the Clerks were never wanting in courtesy. Two or three times we could not see them, because they were in the hands of the person authorized to copy them for printing in Journal form.

Of course, upon reflection, your Honorable body could not expect us to give the proceedings, in *full*, as your resolution indicates, for that has never been accomplished by any paper in America, except the *Washington Globe*, under government patronage. No very accurate estimate could be made of the expense of such an undertaking, but we have no hesitation in saying that no competent printer would estimate the expense at less than two thousand dollars, while the subscription to the "*Republican*," by both Houses of the Legislature, falls short of two hundred dollars. No member of your Honorable body would take more pleasure in reading, than we would in giving them, an extensive report of their proceedings, and we shall do all we can, within our means and the patronage and facilities extended to us, to conform to the wishes of your Honorable body.

In behalf of Lawrence Republican.

Respectfully yours,

JOHN SPEER.

On motion of Mr. Gilpatrick,

The communication was received and spread upon the Journal.

Report of Mr. Deitzler, Chairman from Committee on Counties and County Lines:

The Committee on Counties, to whom was referred House Bill No. 42, "An Act defining the southern boundary line of Breckinridge county," instruct me to report the above as a substitute.

The Committee on Counties, to whom was referred House Bill No. 104, "An Act to define the boundary line between Dickinson and Morris counties," instruct me to report the same back without amendment.

G. W. DEITZLER,
Chairman.

The Committee on Counties, to whom was referred House Bill No. 37, "An Act supplemental to an Act to organize the county of Dickinson," instruct me to report the same with the following amendments, to wit:

In section two, strike out the words "take abstracts of," and insert the word "transcribed," and add to the Bill section four:

"This Act to take effect from and after its passage."

G. W. DEITZLER,
Chairman.

The Committee on Counties, to whom was referred Council Bill No. 17, "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," instruct me to report the same back without amendment.

G. W. DEITZLER,
Chairman.

MR. SPEAKER:—The Committee on Counties, to whom was referred House Bill No. 65, entitled "An Act to define the northern boundaries of Davis county," had the same under consideration, and report the above as a substitute to said Bill, and recommend its passage.

G. W. DEITZLER,
Chairman.

Report of Mr. Bailey, Chairman, from Committee on Corporations and Banking:

The Committee on Corporations and Banking, to whom was referred House Bill No. 145, entitled "An Act to incorporate the Mapleton Academy," had the same under consideration, and I am instructed to report the Bill back to the House with amendment.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 152, entitled "An Act to amend an Act entitled an Act to incorporate the Lawrence Bridge Company," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 141, entitled "An Act to incorporate a Ferry across Grasshopper River," have had the same under consideration, and I am instructed to report the same back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 126, entitled "An Act supplemental to 'An Act entitled an Act to incorporate the Leavenworth City Railroad Company,'" approved February 27, 1860, have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 131, entitled "An Act to incorporate the Independent Order of German Brethren," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 73, entitled "An Act to incorporate the Farmers' Educational Association of Bloomington, Douglas county, Kansas," have had the same under consideration, and I am instructed to report the Bill back to the House with amendments.

D. H. BAILEY,
Chairman.

Report of Mr. Snoddy, Chairman, from Committee on Enrolled Bills:

The Committee on Enrolled Bills presented House Bill No. 49, entitled "An Act legalizing certain official acts of the county officers of the county of Nemaha;

Also, House Bill No. 55, entitled "An Act to establish a Ferry at the town of De Soto," to the Governor for his approval.

JOHN T. SNODDY,
Chairman.

Wednesday, January 23, 1861.

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 9, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,' approved February 9, 1859."

Also, House Bill No. 81, entitled "An Act to change the title of the Kansas Valley Bank, Branch at Atchison," and find them correctly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Burnett, Chairman, from Committee on Militia, submitted a report on Council Bill No. 17, entitled "An Act to organize the Militia of the Territory of Kansas," with amendments.

On motion of Mr. Roberts,

The Militia Bill was ordered to be printed as amended.

Report of Mr. Burris, Chairman from Committee on Judiciary:

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 29, “An Act for the divorce of G. M. Bittman,” and instruct me to report that the facts proven by the applicant are, in the opinion of the Committee, sufficient to entitle the applicant to the relief sought, but that this is one of the class of cases provided for in the general law, and that, therefore, the remedies sought may be obtained through the courts; we therefore recommend that said Bill be negatived.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 16, “An Act divorcing Ellen Jane Moore,” and instruct me to report adversely thereon, for want of evidence.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 35, “An Act divorcing Anson B. Spinney and Margaret J. Spinney,” and instruct me to report that the facts, if proven as stated, would, in the opinion of the Committee, entitle the applicant to the relief sought through the courts of the country under the general law; we therefore recommend that said Bill be negatived.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration Council Bill No. 5, “An Act to divorce Mary Hough and Henry C. Hough,” and instruct me to report that no facts are proven which would, in the opinion of the Committee, entitle the applicants to the relief sought; we therefore recommend that the same be negatived.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration Council Bill No. 9, entitled “An Act divorcing Ruducia F. Stevens and H. J. Stevens,” and instruct me to make the following report:

First. That the facts stated in the application for divorce are not sufficiently proven.

Second, Said facts, if proven, would entitle the applicant to relief in the courts of the country; we therefore recommend that said Bill be negatived.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 21, "An Act divorcing Allen Beeson from Elizabeth Beeson," and instruct me to report as follows :

First, That the facts stated in the application for divorce are not proven to the satisfaction of the Committee.

Second, Said facts, if proven, would, in the opinion of the Committee, entitle the applicant to the relief sought under the general law ; we therefore recommend that the same be negatived.

JOHN T. BURRIS.

MR. SPEAKER :—The Committee on Judiciary have had under consideration Council Bill No. 15, "An Act to divorce William West and Mary Ann West," and instruct me to report adversely thereon, for want of evidence.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 36, "An Act divorcing Clark W. Lewis and Sarah Lewis," and instruct me to report that the facts stated in the application, if proven, would, in the opinion of the Committee, entitle the applicant to relief in the courts of the country ; we therefore recommend that the same be negatived.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on the Judiciary have had under consideration Council Bill No. 6, "An Act divorcing Augustus Bilger and Emeline Bilger," and instruct me to report that, in the opinion of the Committee, no facts are proven which would justify the passage of said act. They therefore recommend that the same be negatived.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on the Judiciary have had under consideration House Bill No. 30, "An Act divorcing Marcus Mallory and Angeline Mallory," and instruct me to report, that, in the opinion of the Committee, there are no sufficient reasons for the passage of said Bill.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on the Judiciary have had under consideration Council Bill No. 25, "An Act divorcing Henry Smith and Harriet Smith," and instruct me to report,

that, in the opinion of the Committee, the evidence adduced before them would be sufficient to enable the applicant to obtain the relief sought through the courts. We therefore recommend that said Bill be negatived.

JOHN T. BURRIS,
Chairman.

Report of Mr. Bowker, Chairman from Committee on Engrossed Bills :

MR. SPEAKER :—The Committee on Engrossed Bills have examined House Bill No. 46, “An Act to amend ‘An Act to incorporate the Kansas Central Telegraph Company,’” approved February 11, 1859 ;

House Bill No. 12, “An Act to declare the Smoky Hill Road from Fort Riley to Denver City and Colorado City a Territorial road and Public Highway ;”

House Bill No. 14, “An Act in addition to an Act entitled ‘An Act respecting Notaries Public ;’”

House Bill No. 68, “An Act amendatory to an Act to provide for the Assessment and Collection of Taxes,” and

House Bill No. 44, “An Act to legalize the official acts of certain persons therein named,” and find the same correctly Engrossed.

W. E. BOWKER,
Chairman.

Report of Mr. Perry, Chairman of Special Committee :

MR. SPEAKER :—The Special Committee, to whom was referred the consideration of House Bill No. 84, entitled “An Act regulating the sessions of the County Tribunal of Leavenworth county,” instruct me to report progress, and ask further time.

WILLIAM PERRY,
Chairman.

Report of Mr. Winchell, Chairman of Special Committee :

MR. SPEAKER :—The Special Committee, to whom was referred House Bills Nos. 139 and 140, report the same back as committed.

J. M. WINCHELL,
G. H. LILLIE,
D. A. HAWKINS.

On motion of Mr. Winchell,

House non-concurred to amendments of Council to House Bill No. 32.

On motion of Mr. Greer,

House concurred in amendment of Council to House Bill No. 7.

Council Bill No. 20, entitled "An Act changing the eastern boundary of Morris county," was

Read first time,

Council Bill No. 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the City of Junction, and to provide for the election of a Justice of the Peace,' " was

Read first time.

Council Bill No. 29, "An Act to organize the County of Orange," was

Read first time.

Council Bill No. 31, "An Act to amend the Code of Civil Procedure respecting the appraisement of Real Property," was

Read first time.

Council Bill No. 32, "An Act establishing and defining the boundaries of the Counties of Neosho and La Bette," was

Read first time.

Council Bill No. 39, "An Act to provide for the location of the county seat of Franklin county," was

Read first time.

Mr. Bailey offered the following resolution,

Which was adopted.

Resolved, That a Committee of five be appointed to prepare a Memorial to Congress, asking for the organization of the Pike's Peak Mining Region, and setting forth the condition and wants of the people of that region of our Territory.

The Speaker appointed the following gentlemen as such committee :

Messrs. Bailey, McCook, Lakin, Guthrie and Simpson.

On motion of Mr. Greer,

The Committee on Roads and Highways were discharged from further consideration of Bill providing for a bridge in Shawnee county, and the same was

Referred to Committee on Corporations and Banking.

Mr. Roberts introduced House Bill No. 154, "An Act to establish and charter a ferry across the Missouri river at the city of Wyandott," which was

Read first time.

On motion of Mr. Roberts, the

Rules were suspended, and

House Bill No. 154 was

Read second and third time and

Considered engrossed.

Question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—31. Nays—3.

Those voting in the affirmative were :

Messrs. Anderson, Bailey, Burnett, Burris, Coffinberry, Cowles, Dëitzler, Dunton, Evans, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Roberts, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were,

Messrs. Guthrie, Pierce, Reynolds, Snoddy.

And so the Bill passèd, and

The title agreed to.

Mr. Winchell introduced House Bill No. 155, entitled "An Act to amend chapter 28 of the laws of 1860," (County Organization.)

Also, House Bill No. 156, entitled "An Act to change the name of certain counties."

Also, House Bill No. 157, entitled "An Act divorcing Joseph McDonald and Ellen McDonald," all of which were

Read first time.

Mr. Winchell moved to suspend the rules, so that House Bill No. 157, be read a second time, and referred to a Special Committee of three.

Upon which the yeas and nays were demanded, with the following result:

Yeas—19. Nays—14.

Those voting in the affirmative were

Messrs. Bailey, Burnett, Burris, Deitzler, Dunton, Greer, Graves, Humber, Lakin, Lillie, Markham, Miller, McCook, Pierce, Roberts, Simpson, Starns, Thoman, Winchell.

Those voting in the negative were,

Messrs. Anderson, Bowker, Coffinberry, Evans, Gathrie, Gilpatrick, Hanway, Hawkins, Kean, Lines, Perry, Reynolds, Williams, Wilson.

So the motion was lost.

Mr. Dunton introduced House Bill No. 158, entitled "An Act to exempt the Northern part of Riley county from the effect of an Act entitled 'An Act to provide for the regulation of the running at large of Swine,' approved January 28th, 1860," which was

Read first time.

Mr. Thoman introduced House Bill No. 159, entitled "An Act to establish a Territorial Road," which was

Read first time.

Also, House Bill No. 160, entitled "An Act to establish a Territorial road," which was

Read first time.

Mr. Simpson introduced House Bill No. 161, entitled "An Act amendatory to an Act to establish a Code of Civil Procedure," approved February 11, 1859, which was

Read first time.

Also, House Bill No. 162, entitled "An Act to establish a Territorial road from Lawrence to Paola," which was

Read first time.

Mr. Miller introduced House Bill No. 163, entitled "An Act divorcing Jacob F. Dean and Mary Dean," which was

Read first time.

On motion,

House Bill No. 153, entitled "An Act to amend an Act to incorporate and establish the City of Leavenworth, &c.; also, to amend an Act amendatory of said Act," approved February 27, 1860, which was

Read second time and

Referred to Committee on Corporations and Banking.

On motion,

House Bill No. 91, entitled "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon Execution or other process,'" approved February 7, 1859, was

Read the third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—29. Nays—4.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Greer, Graves, Humber, Hanway, Kean, Lakin, Lillie, Markham, Miller, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Guthrie, Lines, McCook and Pierce.

So the Bill passed.

Mr. Lines moved that the title be amended so as to read, "An Act to encourage Matrimony, by exempting certain property from sale upon execution."

Withdrawn.

The title agreed to.

On motion,

House Bill No. 24, entitled "An Act to incorporate the City of Marysville," was

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Y^{es}—32. N^{ays}—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinben, Cowles, Deitzler, Duntun, Evans, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Williams, Wilson, Winchell.

Mr. Guthrie voted in the negative.

and so the Bill passed, and

The title was agreed to.

On motion,

House Bill No. 83, entitled "An Act for the encouragement of the Manufacture of Wine," was

Read third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—21. Nays—12.

Those voting in the affirmative were

Messrs. Bowker, Cowles, Deitzler, Dunton, Evans, Guthrie, Humber, Hanway, Hawkins, Kean, Markham, Miller, McCook, Perry, Reynolds, Roberts, Simpson, Starns, Williams, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Burnett, Burris, Coffinberry, Greer, Lakin, Lillie, Lines, Pierce, Snoddy, Wilson.

So the Bill passed.

Title was agreed to.

Mr. Bailey offered the following resolution, which was adopted:

Resolved, That the Committee on Judiciary be instructed to retain the several amendments to the Code of Civil Procedure, that may be referred to said Committee, from time to time, until they shall have digested and systematized said amendments, in their coherence and fitness to the Code now in force, and report the same in general Bill.

On leave, Mr. Guthrie introduced House Bill No. 164, entitled "An Act supplemental to an Act exempting certain property from Execution or other process," which was

Read first time.

On leave, Mr. Deitzler introduced House Bill No. 165, entitled "An Act for the punishment of certain trespasses," which was

Read first time.

Also, House Bill No. 166, entitled "An Act to legalize the filing of the original plat of the City of Lawrence, and also the conveyance made in accordance therewith," which was

Read first time.

Mr. McCook moved that the rules be suspended and House Bills No. 42 and 102 be read a third time and passed.

Lost.

Mr. Lillie moved that the rules be suspended and House Bill No. 42, entitled, 'An Act defining the southern boundary of Breckinridge county,' be placed in the general orders, which was

Lost.

On motion of Mr. McCook,

The rules were suspended, and

House Bill No. 102, entitled "An Act to change the name of the Cinnabar Mining Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffiber-ry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Williams, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

On motion of Mr. Burris,

The rules were suspended, and

House Bill No. 103, entitled "An Act to incorporate the Suffolk Mining Company," was

Considered engrossed, and

Read a third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—32. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lines, Markham, Miller, McCook, Perry, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Mr. Guthrie voted in the negative.

And so the Bill passed.

The title was agreed to.

Mr. Pierce offered the following resolution :

Resolved, That the resolution passed January 19, 1861, providing for one daily session to terminate at one o'clock, P. M., be and the same is hereby rescinded, and that, when this House adjourns, it adjourns to meet at two o'clock this afternoon.

Mr. Gilpatrick moved to postpone the rules in order to consider the resolution.

Lost.

Resolution laid over under the rule.

Pursuant to leave, granted yesterday,

The House went into Committee of the Whole for the further consideration of House Bill No. 84, entitled " An Act regulating the sessions of the county tribunal of Leavenworth county."

Also, House Bill No. 89, entitled " An Act to restrain Dram Shops and Taverns, and regulate the sale of intoxicating liquors."

Also, House Bill No. 99, entitled " An Act legalizing the assessment of taxes in the city of Lawrence, and for other purposes."

The Committee of the Whole, having considered the business referred to it, arose, and, through its chairman, reported to the House,

House Bill No. 84, with recommendation that the same be committed to a Special Committee consisting of members from Leavenworth county.

Also, House Bill No. 89, with recommendation that the whole Bill be referred to a Special Committee.

Also, House Bill No. 99, with the following amendment to the title:

Strike out the words "other purposes," and insert in lieu thereof, the words "the sale of certain property by said city to the county of Douglas."

On motion of Mr. Snoddy,

The report on House Bill No. 84 was

Agreed to.

On motion of Mr. Guthrie,

The report of the Committee of the Whole on House Bill No. 89, was amended, so as to provide that the Special Committee shall consist of five members.

Committee consisting of Messrs. Winchell, Lines, Guthrie, Lakin and Evans.

On motion of Mr. Deitzler,

The report of the Committee of the Whole on House Bill No. 99, entitled "An Act legalizing the assessment of Taxes in the city of Lawrence, and for other purposes," was

Agreed to.

Rules suspended.

Bill considered engrossed, and

Read a third time.

Question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—33. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lines, Markham, Miller, McCook, Pierce, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

On motion of Mr. Perry,

Leave of absence was granted to Mr. Starns until Monday next.

Mr. Winchell offered the following resolution, which was adopted:

Resolved, That the Special Committee to whom was referred House Bill No. 89, entitled "An Act to restrain Dram Shops and Taverns and regulate the sale of intoxicating liquors," be instructed to report to-morrow morning, and that the report be made the special order for Saturday next at two o'clock, P. M., at which time the House will hold a special session for its consideration.

On leave, Mr. Bowker made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 68, "An Act to declare the Military Road from Fort Riley to Fort Wise a Territorial Road."

House Bill No. 91, "An Act supplemental to an Act entitled 'An Act exempting certain property from sale upon Execution, or other process,' approved February 7, 1859."

House Bill No. 16, "An Act in addition to an Act entitled 'An Act to establish a Code of Civil Procedure,' approved February 11, 1859;"

House Bill No. 83, "An Act for the encouragement of the manufacture of Wine," and find the same correctly engrossed, as compared with the original Bills with their amendments in the

hands of the Engrossing Clerk; but the Committee believe that House Bill No. 83 is wanting in some of the amendments which were made to the Bill in the House.

WM. E. BOWKER.

Chairman.

Mr. Guthrie moved that the rules be suspended, and House Bill No. 132 be considered engrossed, read a third time and put upon its passage.

Withdrawn.

House Bill No. 38, entitled "An Act to change the name of John William Hobbs to John William Harman;"

Also, Council Bill No. 7, entitled "An Act to regulate the assessment of taxes in Pottawattamie county;"

Also, House Bill No. 14, entitled "An Act respecting Administrators, Guardians and Wards;"

Also, House Bill No. 34, entitled "An Act to incorporate the First Baptist Church in the City of Manhattan," being under consideration,

The House went into Committee of the Whole.

Mr. Pierce in the chair.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bills No. 10, "An Act to incorporate the First Congregational Church of Manhattan;"

House Bill No. 65, "An Act for the relief of S. P. Thompson,"

House Bill No. 128, "An Act making an appropriation for the payment of the Clerks of the House for the session of 1860, for extra services, without amendment.

Also, Council Bill No. 13, "An Act divorcing Harriet E. Parker and Howard E. Parker," and

Council Joint Resolution No. 4, requesting the First Comptroller of the United States Treasury to authorize the Secretary of the Territory to pay the mileage of the members of the last Legislative Assembly for the extra session, and ask your concurrence.

JOHN J. INGALLS,

Secretary.

Committee arose, and, through its Chairman, reported progress and asked leave to sit again to-morrow, which was granted.

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

ALFRED GRAY,
Chief Clerk.

FRIDAY, Jan. 25, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees, Messrs. Bailey, Buckmaster, Cowles, Fairchild, Guthrie, Kean, Lakin, Lines, McCook, Pierce, Reynolds and Roberts.

Journal of yesterday read, corrected and approved.

Mr. Dunton presented a petition of L. P. Woodward, praying for the passage of a substitute to House Bill No. 65.

Referred to Committee on Counties and County Lines.

Mr. Graves presented a petition of Martin M. Pewal and others, praying the Legislative Assembly to prevent the driving of Spanish cattle through the Territory.

Referred to Committee on Agriculture.

Mr. Bailey presented the petition of George Einstein and others, praying the Legislature not to postpone the payment of taxes.

Referred to Committee on Judiciary.

Message from the Council :

MR. SPEAKER:—The Council direct me to notify the House that the Council has passed Council Bill No. 65, "An Act establishing a Territorial Road from the residence of Judge Wakefield, Douglas county, westward via Williamsport and to Auburn, in Shawnee county, and solicit your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Perry presented the petition of J. M. Freeland and others, praying the Legislature not to postpone the time for the payment of taxes.

Referred to Committee on Judiciary.

Mr. Greer presented a petition from C. Beckers and others, praying for the change of the county line of Shawnee county.

Referred to Committee on Counties and County Lines.

The Speaker presented a petition of Hannah C. Thomas for divorce.

Referred to Committee on Judiciary.

Mr. Hanway, Chairman, from Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee, to whom was referred House Bill No. ———, asking for an appropriation to reimburse Moulton G. Farnham, for services rendered, and expenses paid in apprehending and prosecuting one James Cooper, have had the same under consideration and instruct me to report adversely thereon, on the ground that, in the opinion of your Committee, said claim is not a legitimate Territorial debt.

JAMES HANWAY,
Chairman.

Report of Mr. Burris, Chairman from the Committee on Judiciary :

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 41, "An Act respecting petitions and memorials of an adverse nature," and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 136, "An Act to legalize the official acts of Jno. McCleary, acting Justice of the Peace in the township of Jefferson, Jackson county, Kansas Territory," and instruct me to report the same back without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 179, "An Act defining the extra officers of the Council and House of Representatives and fixing their salaries," and instruct me to report the same back to the House with the following amendment:

Strike out the words "four dollars" wherever the same occur, and insert the words "five dollars."

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration the petition of Jacob P. Clayton, for a divorce, and instruct me to report adversely thereon, for the reason, that said applicant can obtain adequate relief in the Courts of the Territory.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration the petition of Elizabeth E. Barnes, for divorce, and instruct me to report adversely thereon, for the reason, that said applicant can obtain adequate relief from the Courts of the Territory.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 18, "An Act to divorce Sabra T. Wells and Alpheus Wells." The undersigned, a minority of said Committee, ask leave to make the following report thereon:

First, That the averments in the petition of said Sabra T. Wells are not proven with sufficient certainty. Second, That the facts stated in said petition, if proven; would in the opinion of the undersigned, entitle the applicant to relief through the Courts of the Territory; it is therefore recommended that said Bill be negatived.

JOHN T. BURRIS,
Chairman.

Mr. Perry presented a majority report in the case of Sabra T. Wells vs. Alpheus Wells for divorce:

The Judiciary Committee, to whom was referred House Bill No. 26, entitled "An Act for the divorce of Sabra T. Wells and Alpheus Wells," have had the same under consideration, and the undersigned of said Committee, beg leave to present the following majority report, to-wit: We recommend the passage of said Bill for the reasons:

That it appears by ample testimony, that the said Sabra T. Wells, the applicant, was, while a child and under her parents roof in Virginia, coerced and forced to marry said Alpheus Wells; that the means of the coercion employed, while not actual force yet were still more powerful, being the threat of degrading her as a servant in her father's kitchen; after repeated entreaties on her part and continued threats upon the part of the father, the marriage ceremony was performed. But it also appears, from ample testimony, that but the marriage ceremony was performed. The result of this forced marriage has been but her misery, and inasmuch as there is, in the opinion of the majority of Committee, no remedy by the statutes of the Territory, coercion not being one of the grounds enumerated in the existing law, divorce nor any remedy at common law, having been superseded by the Statutes of the Territory, they therefore consider this a case eminently adapted for the consideration of a Legislature, it not being cognizable by a judicial tribunal.

WILLIAM PERRY,
J. P. GREER,
W. W. GUTHRIE.

Report of Mr. Deitzler, Chairman, from Committee on Counties and County Lines:

The Committee on Counties and County Lines, to whom was referred House Bill No. 56, "An Act permanently locating the county seat of Washington county," instruct me to report the same back, with the preamble stricken out.

G. W. DEITZLER,
Chairman.

The Committee on Counties and County Lines, to whom was referred Council Bill No. 18, "An Act establishing the boundary line between Shawnee and Osage counties," instruct me to report adversely thereon.

G. W. DEITZLER,
Chairman.

Mr. Greer, from same Committee, made the following minority report :

MR. SPEAKER :—The undersigned, member of your Committee on County Lines, &c., having, in conjunction with three other gentlemen of said Committee, had under consideration Council Bill No. 18, begs leave to recommend the passage thereof, without amendment, for the following reasons, to wit: First, Because of the inherent justice of the measure. Second, Because large portions of the citizens along the line, on either side, pray, by petition, for the passage of said Act. Third, Because there is no petition or remonstrance against it.

J. P. GREER.

Report of Mr. Graves, Chairman, from Committee on Agriculture :

MR. SPEAKER :—The Committee on Agriculture, to whom was referred House Bill No. 115, being “An Act amendatory to an Act entitled ‘An Act to prevent the firing of Woods, Marshes and Prairies,’” approved February 9, 1859, having had the same under consideration, are of the opinion that the case is fully provided for in the legislation of 1860.

P. GRAVES,
Chairman.

Leave was granted to Mr. Snoddy to withdraw House-Bill No. 115.

Report of Mr. Snoddy from Committee on Enrolled Bills :

MR. SPEAKER:—The Committee on Enrolled Bills have presented House Bill No. 81, entitled “An Act to change the name of the Kansas Valley Bank, Branch at Atchison, Territory of Kansas;”

Also, House Bill No. 9, entitled “An Act to amend an Act to incorporate the Blue River Bridge Company,” approved February 9, 1858. to the Governor, for his approval, on Thursday, January 24, 1861.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 7, entitled “An Act to declare the Military road from Fort Riley to Fort Larned a Territorial road;”

Also, House Bill No. 3, entitled “An Act to repeal certain laws therein named;”

Also, House Bill No. 65, entitled "An Act for the relief of S. P. Thompson," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Report of Mr. Bowker, Chairman, from Committee on Engrossed Bills:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 24, "An Act to incorporate the city of Marysville," and find the same correctly engrossed.

WILLIAM E. BOWKER,
Chairman.

Report of Mr. Bailey, Chairman, from the Committee on Corporations and Banking:

The Committee on Corporations and Banking, to whom was referred House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 144, entitled "An Act to incorporate the Leavenworth County Agricultural and Mechanical Association," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 6, entitled "An Act to incorporate the Smoky Hill Bridge Company," have had the same under consideration, and I am instructed to report the Bill back to the House, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 11, entitled "An Act to incorporate the Manhattan and Kansas River Bridge Company," have had the same under consideration, and I am instructed to report the Bill back to the House, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was

referred House Bill No. 151, entitled "An Act establishing a branch department of Baker University of the Kansas Educational Association of the Methodist Episcopal Church," have had the same under consideration, and I am instructed to report the Bill back to the House as committed

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 153, entitled "An Act to amend an Act to incorporate and establish the City of Leavenworth, also to amend an Act amendatory of said Act," approved February 27, 1860, have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the city of Sumner,'" have had the same under consideration and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

Report of Mr. Winchell, from Special Committee on House Bill No. 89:

MR. SPEAKER:—A majority of the Committee, to whom was referred House Bill No. 89, entitled "An Act to restrain dram-shops and taverns and to regulate the sale of intoxicating liquors," report the same back with amendments, which they ask to have printed as a substitute.

J. M. WINCHELL,
W. W. GUTHRIE,
E. L. LAKIN,
JNO. EVANS.

Mr. Lines, from the same Committee, presented a minority report:

The undersigned, minority of the Select Committee to whom was referred House Bill No. 89, entitled "An Act to restrain Dram Shops and Taverns, and to regulate the Sale of Intoxicating Liquors," would respectfully report:

That, having given due consideration to the subject matter embraced in the Bill, he is constrained to dissent from the conclu-

sions arrived at by a majority of the committee, for the following reasons:

First—The Bill proceeds upon the idea that dram shops are a necessity, or that they must inevitably exist in all our communities, and that, therefore, the protection of the law should be thrown around them, in order that they may be regulated by law—a doctrine never applied under our Government to any other vice, and which is in open violation of the broad principle lying at the foundation of all civil government, which recognizes the obligation of the government to protect the people from the operation and effect of all vicious and demoralizing institutions; and certainly, if we are entitled to the benefit of this general principle, to protect us from any evil, it ought not to be denied to us in reference to the one under consideration.

Second—The Bill, as reported, provides that the County Commissioners may grant licenses to sell intoxicating liquors, upon the recommendation of twenty-five land holders, in any township in the Territory. This proposition is objected to for the reason that it confers upon a small minority of the people the power to authorize the County Commissioners to inflict upon the community one of the most unmitigated curses that ever scourged human society, while our general laws require the concurrence of a majority to secure any one of the many blessings which it is the province of Government to bestow upon the people.

Third—The Bill further provides for levying a tax upon all persons to whom licenses may be granted, and applying the proceeds to the support of common schools; in other words, it is proposed to sell to certain persons the privilege of establishing manufactories of drunkards, for the purpose of raising a revenue to educate the drunkard's children, which process the minority of your committee cannot approve; and further, the operation of this provision will inevitably tend to prevent the sale of intoxicating liquors in those communities where it is confined within its appropriate limits, to-wit: for mechanical, scientific and medicinal purposes; because the sales in such communities would not be sufficient in amount to warrant the payment of the tax proposed.

Fourth—Your Committee further objects to the section which provides that all sales of intoxicating liquor shall be confined to sober men—so that the sole business of these legalized dram sellers shall be to initiate our young men into the highway of ruin, rather than content themselves with completing the destruction of those already far gone in the road to death. Why not rather confine their depredations to those already within their power, and thereby protect and preserve that portion of our young

men who are now the pride and joy of their parents, their wives and friends, and the hope of our country. It is not he who tips the tottering drunkard into his final resting place, who should be held exclusively responsible for his ruin, but he also who opens the gate to the dreadful highway, and by the tempting, *first glass*, initiates his victim into the drunkard's course. Let us not compel these depredators upon the public peace—if we must tolerate them—to seek only for customers among those who are now virtuous, happy and free.

The undersigned therefore respectfully dissents from the report of the majority of the Committee, and would recommend the adoption of such amendments to the bill as will relieve it from the objections above referred to, and secure to the majority of the voters in the several townships in the Territory, the power to confine the sale of these dangerous commodities to persons who will restrict it within such limits as the public sentiment of the community may require, and, at the same time, furnish ample power to punish all persons who shall sell the same without authority of law.

All of which is respectfully submitted.

CHAS. B. LINES.

On motion,

The majority report was laid upon the table and ordered to be printed.

Message from the Governor :

EXECUTIVE OFFICE, K. T., }
January 24th, 1861. }

To the House of Representatives :

I have this day approved House Bills No. 49, "An Act legalizing certain official acts of the county officers of the county of Nemaha," and

No. 9, "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company,'" approved February, 1858.

Respectfully,

G. M. BEEBE.

EXECUTIVE OFFICE, K. T., }
January 25th, 1861. }

To the House of Representatives :

I have this day approved House Bill No. 55, "An Act to establish a Ferry at the town of De Soto," and

House Bill No. 81, "An Act to change the title of the Kansas Valley Bank, Branch at Atchison, Territory of Kansas."

Respectfully,

G. M. EEBE.

Council Bill No. 13, entitled "An Act divorcing Harriet L. Parker and Howard E. Parker," was

Read first time.

Also, Council Joint Resolution No. 6, which was

Read first time.

Mr. Roberts moved that 500 copies of the minority report of the Committee on House Bill No. 89, be printed.

Mr. Starns moved that the 500 copies be printed in German.

Lost, and

Motion rejected.

On motion of Mr. Reynolds,

House Bill No. 66 was

Referred to a Select Committee.

The following resolution, offered by Mr. Pierce:

Resolved, That the resolution passed January 19, 1861, providing for one daily session to terminate at one o'clock, P. M., be and the same is hereby rescinded and that, when this House adjourns it adjourns to meet at two o'clock this afternoon.

Being under consideration,

Mr. Pierce, moved its adoption, which was

Lost.

Mr. Fairchild introduced House Bill No. 167, entitled "An Act for the relief of occupying claimants of land," which was

Read first time.

Also, House Bill No. 163, entitled "An Act to regulate Agencies of Insurance Companies," which was

Read first time.

Also, House Bill No. 169, entitled "An Act to provide for the disposition of unclaimed costs," which was

Read first time.

Also, House Bill No. 170, entitled "An Act to provide for recording Land Patents, and other purposes," which was

Read first time.

Also, House Bill No. 171, entitled "An Act to dispense with proof in certain cases," which was

Read first time.

Mr. Graves introduced House Bill No. 172, entitled "An Act to provide for the payment of the Clerks and extra officers of this House," which was

Read first time.

On motion of Mr. Winchell,

House Bill No 157, entitled "An Act divorcing Joseph McDonald and Eleanor McDonald," was

Referred to Special Committee of five.

The Committee consisting of Messrs. Winchell, Fairchild, Roberts, Bailey and Evans.

Council Bill No. 20, entitled "An Act changing the eastern boundary of Morris county,"

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the city of Junction and to provide for the election of Justice,'"

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 129, entitled "An Act to organize the county of Orange,"

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 31, entitled "An Act to amend the Code of Civil Procedure respecting the appraisements of personal property,"

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 32, entitled "An Act establishing and defining the boundaries of the counties of Neosho and La Bette,"

Read second time and

Referred to Committee on Counties and County Lines.

Council Bill No. 39, entitled "An Act to provide for the location of the county seat of Franklin county,"

Read second time and

Referred to Committee on Counties and County Lines.

House Bill No. 155, entitled "An Act to amend chapter 28 of the laws of 1860, county organization,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 156, entitled "An Act to change the names of certain counties,"

Read second time and

Referred to Committee on Counties and County Lines.

House Bill No. 158, entitled "An Act to exempt the northern part of Riley county from the effect of an Act entitled 'An Act to provide for the regulating of the running at large of Swine,' approved January 28, 1860,

Read second time and

Referred to Committee on Agriculture.

House Bill No. 159, entitled "An Act to establish a Territorial Road,"

Read second time and

Referred to Committee on Roads and Highways.

House Bill No. 160, entitled "An Act to establish a Territorial Road,"

Read second time and

Referred to Committee on Roads and Highways.

House Bill No. 161, entitled "An Act amendatory to an Act to establish a Code of Civil Procedure," approved February 11, 1859,

Read second time and

Referred to Committee on Judiciary.

House Bill No. 162, entitled "An Act to establish a Territorial Road from Lawrence to Paola,"

Read second time and

Referred to Committee on Roads and Highways.

House Bill No. 163, entitled "An Act divorcing Jacob F. Diehm and Mary Diehm,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 164, entitled "An Act supplemental to an Act exempting certain property from sale upon execution or other process,"

Read second time and

Referred to Committee on Judiciary.

House Bill No. 165, entitled "An Act for the punishment of certain trespassers."

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 166, entitled "An Act to legalize the filing of the original plat of the City of Lawrence, and also, the conveyance made in accordance therewith," which was

Read second time and

Referred to Committee on Judiciary.

Mr. Bailey moved to reconsider the vote, by which House Bill No. 61 was referred to Special Committee.

Motion prevailed and vote reconsidered.

On motion of Mr. Bailey, House Bill No. 151, entitled "An Act to incorporate the Town of Garnett," was considered engrossed and read the third time.

By unanimous consent, the enacting clause was inserted in the Bill.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—30. Nays—None.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hubber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, McCook, Perry, Pierce, Reynolds, Roberts, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

So the Bill passed, and

The title agreed to.

On leave, Mr. Deitzler introduced House Bill No. 173, entitled "An Act incorporating the Lawrence Ferry Company," which was

Read first time.

Also, House Bill No. 174, entitled "An Act establishing

Banks at Lawrence, Leavenworth and Wyandott, approved February 12th, 1858," which was

Read first time.

Mr. Greer moved, that the rules be suspended, and Council Bill No. 18 be placed in the general orders of to-day.

Lost.

Mr. McCook, from Special Committee, to whom was referred House Bill No. 130, entitled "An Act to restore the county of Arrapahoe to its original limits and boundaries," reported the same back to the House without amendment.

On motion of Mr. Guthrie,

The House went into Committee of the Whole, for the consideration of county lines and county seats, made the special order for Friday.

House Bill No. 52, entitled "An Act establishing the County of Wayne,"

Also, House Bill No. 66, entitled "An Act defining the northern boundary of Davis County,"

Also, Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," having been called up,

The House went into Committee of the Whole for the consideration of the same.

Mr. Simpson in the chair.

The Committee of the Whole having disposed of all the Bills, referred to it, arose, and, through its Chairman, reported to the House, House Bill No. 52, with the following amendments:

Change section number three to number four and insert the following as section three: "All Acts and part of Acts inconsistent with the provisions of this act be, and the same are hereby repealed."

Also, Council Bill No. 17, without amendment.

The report of the Committee of the Whole was agreed to, and House Bill No. 52, ordered to be engrossed for third reading.

On motion of Mr. Guthrie,

The rules were suspended, and

Council Bill No. 17, entitled "An Act to provide for the permanent location of the seat of justice of Pottawattamie county," was

Considered engrossed, and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows :

Yeas—28. Nays—none.

The following gentlemen voted in the affirmative :

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hum-ber, Hanway, Kean, Lakin, Lillie, Lines, Miller, McCook, Pierce, Perry, Reynolds, Roberts, Simpson, Starns, Thoman, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

On motion of Mr. Winchell,

House Bill No. 66 was again placed in general orders.

On motion of Mr. McCook,

The rules were suspended and

House Bill No. 130 was placed in general orders for to-day.

On motion,

House Bill No. 52 was ordered to be engrossed for third reading to-morrow.

House Bill No. 66, entitled "An Act defining the northern boundary of Davis county."

Also, House Bill No. 104, entitled "An Act to define the boundary line between Dickinson and Morris counties."

Also, House Bill No. 130, entitled "An Act to restore the county of Arrapahoe to its original limits,"

Being under consideration,

The House went into Committee of the Whole.

Mr. Lines in the chair.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House of Representatives, that the Council respectfully insist on Council amendments to House Bill No. 32, "An Act changing the name of Abraham Lawsing to John Wells;"

Also, that the Council have passed House Bill No. 20, "An Act to incorporate the Lawrence University of Kansas," with the following amendments:

In section first, line second, strike out the words "or near."

In line third, after "Lawrence," write "or within two miles of said City."

In section fifth, strike out the word "Medical" after "Theological."

Also, Council Joint Resolution No. 3, "Declaratory of the position of Kansas on the pending political crisis," and request your concurrence.

JOHN J. INGALLS,
Secretary.

The Committee of the Whole, having disposed of all the Bills referred to it, arose and reported to the House, through its Chairman, House Bill No. 66, with the following amendments:

Insert after the word "authorized," in first line of section second, the words "and required;" and insert after the word "county," in third line of section second, the following "and for that purpose shall have access to said records;" and add to section

fourth, the following, "and the Register transcribing said records shall be entitled to receive from the county of Riley, the usual compensation allowed for recording deeds;"

Also, House Bill No. 106. with the following amendments:

Insert after the word "entitled," in the first line of section third, the words "to receive;"

Also, House Bill No. 30, without amendment.

Mr. Reynolds moved that the report of the Committee of the Whole on House Bill No. 66 be amended so as to amend section one of said section as follows:

"That this act shall not take effect until, at the next election for county officers in Davis county, it shall appear that a majority of the qualified electors of said county are in favor of such change; that such election shall be conducted according to the laws regulating elections; and the manner of ascertaining such votes shall be decided by the County Commissioners of said county."

The yeas and nays were demanded, with the following result:

Yeas—9. Nays—24.

Those voting in the affirmative were

Messrs. Anderson, Evans, Humber, Markham, Miller, McCook, Reynolds, Simpson and Starns.

Those voting in the negative were

Messrs. Bailey, Bowker, Burnett, Eutris, Coffinberry, Cowles, Deitzler, Dunton, Guthrie, Greer, Graves, Hanway, Hawkins, Lakin, Lillie, Lines, Pierce, Perry, Roberts, Snoddy, Thoman, Williams, Wilson, Winchell.

And so the motion to amend was lost.

Mr. Reynolds moved that House Bill No. 66 be referred to a Special Committee, upon which

The yeas and nays were demanded, with the following result:

Yeas—12. Nays—22.

Those voting in the affirmative were

Messrs. Anderson, Coffinberry, Evans, Fumber, Markham, Miller, McCook, Pierce, Perry, Reynolds, Simpson and Starns.

Those voting in the negative were

Messrs. Bailey, Fowler, Burnett, Burris, Cowles, Deitzler, Duntun, Guthrie, Greer, Graves, Hanway, Hawkins, Lakin, Lillie, Lines, Roberts, Saddy, Thoman, Williams, Wilson, Winchell.

So the motion was lost.

Mr. Reynolds moved that House Bill No. 66 be amended, so as to make the Second Standard Parallel the boundary line between Riley and Davis Counties.

On motion,

Was ruled out of order.

Mr. Miller moved that further consideration of House Bill No. 66 be laid on the table.

Lost.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House of Representatives that the Council have passed the Council Bill No. 54, "An Act legalizing a certain bond therein named," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Report of Committee of the Whole on House Bills Nos. 66, 104 and 130 was agreed to, and

Bills ordered to lie on the table, and be engrossed for third reading

Mr. Gilpatrick offered the following resolution, which was adopted:

Resolved, That, when the House adjourns, it will adjourn to meet at three o'clock this afternoon, for the purpose of consider-

ing the report from the Committee appointed to investigate matters concerning claims and bonds, and that the same be made the special order of said session.

On motion of Mr. Deitzler,

The rules requiring the House to go into Committee of the Whole, were suspended, and

House Bills Nos. 42 and 56 were considered by the House as in Committee of the Whole.

On motion of Mr. Winchell,

House Bill No. 42, was adopted, with the following amendment :

Add: "Section 5. All Acts and parts of Acts, inconsistent with this Act, be and the same are hereby repealed."

And section "fifth" was numbered "sixth."

House Bill No. 56 was adopted, without amendment.

On motion of Mr. Snoddy,

The rules were suspended, and

Substitute to House Bill No. 107 was considered engrossed, and

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—26. Nays—4.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Lillie, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Winchell.

Those voting in the negative were

Messrs. Lakin, Lines, Perry and Reynolds.

And so the substitute was adopted.

On motion of Mr. Deitzler,

The House concurred in amendment of Council to House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas."

By leave, Mr. Reynolds introduced House Bill No. 175, entitled "An Act legalizing the election of county officers of Davis county, also, legalizing the acts of certain persons therein named," which was

Read first time.

By leave, Mr. Guthrie introduced House Bill No. 176, entitled "An Act repealing an Act relating to Dower," approved February 27, 1860, which was

Read first time, and,

On motion of Mr. Guthrie,

Rules were suspended, and

Bill read a second time and

Referred to Committee on Judiciary.

By leave, Mr. McCook introduced House Bill No. 177, entitled "An Act to incorporate the Bradford Mining Company," which was

Read first time.

On motion of Mr. Lines,

House adjourned to meet at three o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK,

House met.

Quorum present.

Speaker in the chair.

Mr. Roberts offered the following resolution, which was adopted:

Resolved, That George W. Smith, of the city of Lawrence, be invited to a seat within the bar of the House.

Mr. Guthrie introduced House Bill No. 178, entitled "An Act to continue the several Territorial offices herein named for certain purposes," which was

Read first time, and,

On motion of Mr. Guthrie,

Rules were suspended, and

The Bill read a second time and

Referred to Committee on Judiciary.

On motion of Mr. Simpson,

The House reconsidered the vote by which they refused to print five hundred copies of Minority report on House Bill No. 89, and,

On motion,

Five hundred copies were ordered to be printed.

Mr. Gilpatrick, Chairman of the Special Committee to whom was referred the subject of Bonds, issued under "An Act to provide for the adjustment of Claims," approved February 7, 1859, with instructions to investigate as to the legality of the same, makes the following report:

[Report not furnished to us by the House.—PRINTER.]

Asked and obtained leave to continue the investigations of the

Committee, and recommend the passage of House Bill No. 179, reported by them, which was

Read first time.

Message from the Governor :

EXECUTIVE OFFICE, K. T., }
January 25th, 1861. }

To the House of Representatives :

I have this day approved House Bill No. 7, "An Act to declare the Military Road from Fort Riley to Fort Larned a Territorial Road," and

No. 65, "An Act for the relief of S. P. Thompson."

Respectfully,

G. M. BEEBE.

Mr. Gilpatrick moved that the rules be suspended and House Bill No. 179 be read a second time, and the House resolve itself into Committee of the Whole, for the consideration of the same.

Motion prevailed, and Bill

Read a second time.

Mr. Snoddy in the chair.

The Committee of the Whole having disposed of all the Bills referred to it, arose, and reported to the House, through its Chairman :

House Bill No. 179, "An Act to relieve the Territory of Kansas from illegal debts," and recommend that the House refer the Bill under consideration to the Judiciary Committee, with the instructions to report the same to-morrow morning, and that the same be made the special order for to-morrow morning, at ten o'clock.

The report of the Committee of the Whole was agreed to.

Mr. McCook offered the following resolution :

Resolved, That the Committee on Public Printing be instructed to have printed, immediately, House Bill No. 179, together with the report of the Investigating Committee, and the testimony taken before them; and until the same shall have been printed

and laid upon the desks of the members, the House shall not proceed with its consideration.

Mr. Winchell offered the following, as a substitute:

Resolved, That the Special Committee, appointed to investigate the subject of Claim Warrants and Bonds, be and hereby are directed immediately to place in the hands of the Committee on Printing, a copy of all the evidence already taken, and that the Committee on Printing be instructed to procure the printing of one hundred copies for the use of members of the House and Council, together with one thousand copies of the report made by the Investigating Committee to day.

Mr. Buckmaster moved that the substitute be laid upon the table.

Upon which the yeas and nays were demanded, with the following result:

Yeas—14. Nays—20.

Those voting in the affirmative were

Messrs. Bailey, Buckmaster, Burnett, Coffinberry, Dunton, Guthrie, Greer, Gilpatrick, Hawkins, Lillie, Miller, Pierce, Starns and Thoman.

Those voting in the negative were

Messrs. Anderson, Bowker, Burris, Cowles, Deitzler, Evans, Graves, Humber, Hanway, Lakin, Lines, Markham, McCook, Perry, Reynolds, Roberts, Snoddy, Simpson, Wilson and Winchell.

So the motion to lay the substitute on the table was lost.

The previous question was called,

Upon which the yeas and nays were demanded, with the following result:

Yeas—20. Nays—14.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burris, Cowles, Deitzler, Graves, Humber, Hawkins, Lakin, Lillie, Lines, Markham, McCook, Perry, Roberts, Simpson, Starns, Wilson and Winchell.

Those voting in the negative were

Messrs. Anderson, Burnett, Coffinberry, Dunton, Evans, Guthrie, Greer, Gilpatrick, Hanway, Miller, Pierce, Reynolds, Snoddy and Thoman.

So the previous question prevailed.

The question then was upon the adoption of the substitute, upon which

The yeas and nays were demanded, with the following result :

Yeas—22. Nays—12.

Those voting in the affirmative were

Messrs. Bowker, Burns, Cowles, Deitzler, Evans, Greer, Graves, Humber, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Reynolds, Roberts, Snoddy, Simpson, Starns, Wilson, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Buckmaster, Burnett, Coffinberry, Dunton, Guthrie, Gilpatrick, Hanway, Hawkins, Pierce and Thoman.

And so the substitute was adopted.

The question then was upon the adoption of the original resolution, as amended by the substitute.

Mr. Bailey moved to adjourn, upon which

The yeas and nays were demanded.

The vote resulted as follows :

Yeas—18. Nays—15.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Cowles, Dunton, Evans, Guthrie, Greer, Gilpatrick, Hanway, Lillie, Miller, Pierce, Reynolds, Starns, Thoman.

Those voting in the negative were

Messrs. Anderson, Coffinberry, Deitzler, Graves, Humber, Lakin, Lines, Markham, McCook, Perry, Roberts, Snoddy, Simpson, Wilson and Winchell.

And so the House adjourned until to-morrow morning at 9 o'clock.

ALFRED GRAY,
Chief Clerk.

SATURDAY, January 26, 1861. }
NINE o'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees, Messrs. Bailey, Fairchild, Guthrie, Graves, Hawkins, Lakin, Lillie, Lines, McCook, Reynolds, Roberts, Starns, Wilson.

Journal of yesterday read, corrected and approved.

The question being upon the adoption of the resolution offered yesterday by Mr. McCook, as amended by the substitute offered by Mr. Winchell, which was pending at the time of adjournment yesterday,

On an order for the previous question,

The yeas and nays were demanded, with the following result:

Yeas—12. Nays—21.

Those voting in the affirmative were

Messrs. Deitzler, Evans, Greer, Lakin, Lines, Markham, McCook, Roberts, Simpson, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burris, Coffinberry, Dunton, Guthrie, Graves, Gilpatrick, Humber, Hanway, Kean, Lillie, Miller, Pierce, Perry, Reynolds, Snoddy, Thoman.

So the resolution, as amended, was lost.

Mr. Burris offered the following resolution:

Resolved, That the Special Committee, to whom was referred the subject of certain bonds and warrants, be instructed, immediately on the completion of their labors, to furnish, to the Chairman of the Committee on Printing, a copy of the evidence taken, and of the opinions of their counsel, and that one thousand copies thereof be published.

Mr. Winchell moved that so much of the resolution, as requires Committee to print immediately on the completion of their labors, be stricken out, and insert, at the end of each week.

Mr. Bailey moved, that the amendment be laid upon the table.

Mr. Burris moved that the special order for ten o'clock this morning be taken up and considered.

Mr. Lines moved that it be postponed for one hour.

Mr. Snoddy, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, presented House Bill No. 3, entitled "An Act to repeal certain laws, therein named;"

Also, House Bill No. 65, entitled "An Act for the relief of S. P. Thompson;"

Also, House Bill No. 7, entitled "An Act to declare the Military road from Fort Riley to Fort Larned, a Territorial road," to the Governor for his approval, Friday, January 26th, 1861.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 10, entitled "An Act to incorporate the First Congregational Church of Manhattan;"

Also, House Bill No. 1, entitled "An Act making an appropriation for the payment of clerks, of this House, for the session of 1869, for extra services," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Dunton moved that the rules be suspended and Bills on second reading be considered, read the second time and be referred to their appropriate Committee.

Mr. Winchell moved that that portion of the Calendar, relating to Bills on second reading be taken up.

Motion prevailed, and

Motion as amended, adopted.

Bills read a second time and referred.

Council Joint Resolution No. 4, Joint Resolution requesting the First Comptroller of the Treasury of the United States, to authorize the Secretary of the Territory to pay the mileage to the members of the last Legislative Assembly, for the extra session,

Referred to Committee on Claims.

Council Bill No. 13, "An Act divorcing Harriet L. Parker and Howard E. Parker,"

Referred to Committee on Judiciary.

House Bill No. 167, entitled "An Act for the relief of occupying claimants of land,"

Referred to Committee on Judiciary.

House Bill No. 168, entitled "An Act to regulate agencies of foreign insurance companies,"

Referred to Committee on Judiciary.

House Bill No. 169, entitled "An Act to provide for the disposition of unclaimed costs,"

Referred to Committee on Judiciary.

House Bill No. 170, entitled "An Act to provide for recording land patents and other purposes,"

Referred to Committee on Judiciary.

House Bill No. 171, entitled "An Act to dispense with proof in certain cases,"

Referred to Committee on Judiciary.

House Bill No. 172, entitled "An Act to provide for the payment of clerks and extra officers of this House,"

Referred to Committee on Ways and Means.

House Bill No. 173, entitled "An Act incorporating the Lawrence Ferry Company,"

Referred to Committee on Corporations and Banking.

House Bill No. 174, entitled "An Act to amend an Act establishing Banks at Lawrence, Leavenworth and Wyandott, approved February 11th, 1858,"

Referred to Committee on Corporations and Banking.

House Bill No. 175, entitled "An Act legalizing the election of county officers of Davis county; also, legalizing the official acts of certain persons therein named."

Referred to Committee on Judiciary.

House Bill No. 176, entitled "An Act to incorporate the Bradford Mining Company,"

Referred to Committee on Corporations and Banking.

Report of Mr. Bowker, Chairman, from Committee on Engrossed Bills:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 56, entitled "An Act permanently locating the county seat of Washington county, K. T."

Also, House Bill No. 66, entitled "An Act to detach that portion of township 10, lying and being in Davis county, from said county, and to attach the same to Riley county."

Also, House Bill No. 52, entitled "An Act establishing the county of Wayne."

Also, House Bill No. 42, entitled "An Act defining the southern boundary line of Breckinridge county."

Also, House Bill No. 104, entitled "An Act to define the boundary line between Dickinson and Morris counties."

Also, House Bill No. 130, entitled "An Act to restore the county of Arrapahoe to its original boundaries," and find the same correctly engrossed.

W. E. BOWKER,
Chairman.

On motion of Mr. Winchell,

So much of the Calendar as relates to Bills on third reading, was

Taken up and considered.

Mr. Lines offered the following resolution :

Resolved, That a Special Committee be appointed to prepare a Memorial to such Legislatures in such States as are now in session, asking an appropriation for the relief of the people of Kansas, with special reference to furnishing a supply of spring wheat for seed.

Adopted.

The Speaker appointed the following gentlemen as such Committee :

Messrs. Lines, Winchell and Reynolds.

On motion,

House Bill No. 52, entitled "An Act establishing the county of Wayne," was

Read third time.

Question being "Shall the Bill pass?"

Mr. Gilpatrick moved that the matter be laid upon the table and special order be taken up.

The hour having arrived for the special order,

Mr. Lines moved that it be postponed for one half hour.

Motion prevailed.

On motion of Mr. Lines,

House resumed consideration of Bills on third reading.

The previous question was ordered.

It being " Shall the Bill No 52, entitled ' An Act establishing the county of Wayne,' pass?"

The vote resulted as follows :

Yeas—7. Nays—24.

Those voting in the affirmative were

Messrs. Deitzler, Dunton, Guthrie, Graves, Lillie, Thoman and Winchell.

Those voting in the negative were

Messrs. Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Evans, Fairchild, Gilpatrick, Humber, Hanway, Kean, Lakin, Lines, Markham, Miller, McCook, Pierce, Reynolds, Roberts, Snoddy, Simpson, Williams, Winchell.

And so the Bill was rejected.

Messrs. Anderson, Buckmaster and Hawkins were excused from voting.

Mr. Gilpatrick presented a petition of Martha Boode, for vacation of a part of the township of Greeley ;

Also, a petition of D. H. Johnson and others, for the same purpose.

Referred to Committee on Counties and County Lines.

Mr. Perry presented a petition of Commissioners of Leavenworth county.

Referred to Committee on Judiciary.

Mr. Anderson presented a petition of George Coleman and fifty others, asking for the repeal of an Act passed February 23, 1860, establishing the southern boundary of Jackson county.

Referred to Committee on Counties and County Lines.

Also, a remonstrance of George Coleman and fifty others, against further dismemberment of Jackson county.

Referred to Committee on Counties and County Lines.

Mr. Cowles introduced House Bill No. 180, entitled "An Act to extend the time for the payment of the Taxes of 1860," which was

Read first time.

Also, House Bill No. 181, entitled "An Act to incorporate the Lawrence Turner Association," which was

Read first time.

Mr. Thoman presented a report of a mass meeting at the city of Eudora, January 24, 1861, which was

Ordered to be spread upon the Journal.

A public meeting of the citizens of Eudora, on Monday, January 24, 1861, was organized by the election of Charles Darr, Chairman, and A. A. Woodhull, Secretary.

The following preamble and resolutions, having been submitted separately, were unanimously adopted:

WHEREAS, Kansas is the only civilized country without a military organization; and

WHEREAS, Our people are entirely destitute of the means of defense, owing to the fact that emigration to Pike's Peak had purchased almost every weapon in private hands and taken them from eastern Kansas; and

WHEREAS, If troubles should arise between the General Government and the Gulf States, all of the United States troops would be withdrawn to participate in the conflict, and Kansas would be left open to Indian depredations; and

WHEREAS, The restless spirits within this Territory should be made subservient to the laws; and

WHEREAS, The States along our border have efficient military organizations; and

WHEREAS, It is an axiom that in time of peace we should prepare for war, and that such preparation is conducive——; and

WHEREAS, We are desirous of maintaining social and business relations with the people of Missouri ; therefore,

Resolved, That our Councilmen and Representatives in the Legislative Assembly, now in session at Lawrence, be respectfully requested and instructed to urge the immediate passage of a law for the efficient organization of the militia of Kansas.

Be it further resolved, That, in the opinion of this meeting, it would be good policy for them to provide for a commissioner to confer with the authorities of Missouri on the subject of preserving friendly relations between the people of the two governments.

Be it further resolved, That we, the citizens of Eudora, will, immediately after the passage of said militia law, organize an efficient company, whose services can be commanded by the General or Territorial Government, in maintaining the Union and preserving peace within our borders.

Be it further resolved, That we do earnestly recommend Gen. J. H. Lane, as the commander of said militia, knowing him to be patriotic, efficient, and a most worthy leader of a gallant people.

Be it further resolved, That duplicates of the proceedings of this meeting be made out by the Secretary, and signed by the officers, and one copy transmitted to the Lawrence "Republican," for publication, and the other to our worthy Representative, Mr. Thoman, to be laid before the House of Representatives.

CHARLES DARR, Chairman.

A. A. WOODHULL, Secretary.

Mr Bailey moved that the rules be suspended and House Bill No. 141, entitled "An Act to incorporate a Ferry across Grass-hopper river," be considered engrossed and put upon its passage.

Motion prevailed.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House of Representatives that the Council have passed Council Bill No. 23 "An Act to divorce James P. Whitney and Harriet N. Whitney."

Council Bill No. 42 "An Act legalizing certain acts of certain officers of Doniphan county.

Council Bill No. 47, "An Act to define the western boundary of Davis county," and

Council Bill No. 52, "An Act to establish a Ferry across the Missouri river, and ask your concurrence.

JOHN J. INGALLS,
Secretary.

House Bill No. 141, entitled "An Act to incorporate a Ferry across Grasshopper river," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—32. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Gilpatrick, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lincs, Markham, Miller, McCook, Pierce, Perry, Reynolds, Roberts, Simpson, Thoman, Williams, Winchell.

Those voting in the negative were

Messrs. Snoddy and Winchell.

So the Bill passed.

The title was agreed to.

Mr. Reynolds moved that House Bill No. 66, on third reading, be postponed for to day, pending which,

The hour having arrived for the consideration of special order, and having been called for,

Mr. Dunton moved that it be deferred until House Bill No. 66 be read third time.

Upon which the yeas and nays were demanded, with the following result :

Yeas—14. Nays—18.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Deitzler, Dunton, Guthrie, Greer, Hawkins, Lakin, Pierce, Roberts, Snoddy, Simpson, Wilson and Winchell.

Those voting in the negative were

Messrs. Anderson, Buckmaster, Burnett, Burris, Coffinberry, Evans, Fairchild, Graves, Gilpatrick, Humber, Hanway, Kean, Lines, Markham, Miller, Perry, Reynolds, Thoman.

So the motion was lost.

The House proceeded to consideration of special order.

Mr. Lines moved that the substitute, reported by Mr. Perry, be first taken up and considered.

Mr. Burris moved to amend so that the original Bill introduced be taken up.

Accepted.

Motion, as amended, prevailed.

On motion of Mr. Guthrie,

The House resolved itself into Committee of the Whole to consider the same, and the substitute therefor.

Mr. Burnett in the chair.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House of Representatives that the Council have passed the following resolution and ask your concurrence:

Resolved, By the Council, the House concurring, that the Enrolling Clerk of the Council is hereby directed to strike out "1830" in the second line of "An Act to provide for the permanent location of the seat of Justice of Pottawattamie county," and insert in lieu thereof "1861."

JOHN J. INGALLS,
Secretary.

On motion of Mr. Roberts,

Resolution just reported by the Council was concurred in by the House.

The Committee of the Whole arose, and, through its Chairman, reported progress and asked leave to sit again this afternoon, which was granted.

House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

THREE O'CLOCK., P. M.

House called to order.

Quorum present.

Speaker in the chair.

On motion of Mr. Winchell,

L. D. Joy was sworn in as Assistant Enrolling Clerk.

Mr. Bowker presented petition of Wm. Owen and forty-eight others, praying for the restoration of the southern boundary of Jackson county, K. T.

Referred to Committee on Counties and County Lines.

Mr. Markham presented a petition of Wm. B. Sharp and five hundred others, for a change of county lines between Brown and Doniphan counties.

Referred to Committee on Counties and County Lines.

Mr. Lillie presented a petition to change the name of Charles Albert Kilmer to Dwight Rhodes, and adopt him.

Referred to Committee on Judiciary.

Mr. Dunton presented the petition of C. W. Helm & Co., for an appropriation to pay for printing for the Territory.

Referred to Committee on Accounts.

The Speaker presented a communication of A. N. Blackledge:
Lawrence, K. T., Jan. 25, 1861.

To HON. J. W. SCOTT,

Speaker of the House of Representatives:

As it has been reported that I was instrumental in procuring the passage of an Act entitled "An Act regulating fees of Clerks

of the several District Courts in this Territory, and for other purposes, approved February 27, 1860," by the Legislative Assembly of Kansas Territory; and as I understand it is alleged that said Act was passed by the fraudulent influence of myself, by bribing members of the Legislature, whereby parties, litigants, have been swindled out of large sums of money, amounting to several thousand dollars; and being desirous of indicating my action in the premises; and, in justice to members of the last Legislature, and believing that an investigation of the matter would result honorably to myself, I take the liberty of addressing this to you, praying that the matter may be investigated by your Honorable body, as the truth cannot be arrived at in any other way.

Very respectfully yours,

A. N. BLACKLIDGE,

Deputy Clerk of the District Court for Douglas County.

Mr. Greer introduced House Bill No. 182, entitled "An Act to incorporate the Episcopal Female Seminary," which was

Read first time.

Mr. Lillie introduced House Bill No. 183, "A Bill to change the name of Charles Albert Kilmer to Dwight Rhodes," which was

Read first time.

Mr. Thoman introduced House Bill No. 184, entitled "An Act to establish a Territorial Road."

Read first time.

Mr. Dunton introduced House Bill No. 185 entitled "An Act for the relief of Riley county"

Read first time.

Mr. Markham introduced House Bill No. 186, entitled "An Act to change the boundary line between Dickinson and Brown counties."

Read first time.

Mr. Guthrie, from the Committee on Accounts, reported the following:

[Report not furnished by the House.—PRINTER.]

Mr. Gilpatrick moved that the special order for three o'clock this P. M., be postponed until Tuesday at three o'clock P. M.

Mr. Winchell moved to amend so as to postpone special order until Monday afternoon.

Amendment accepted.

The question recurring upon the original motion,

The yeas and nays were ordered.

Yeas—27. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Guthrie, Graves, Gilpatrick, Humber, Kean, Lakin, Lillie, Lines, Markham, Miller, Pierce, Perry, Reynolds, Roberts, Simpson, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Bailey, Deitzler, Fairchild, Greer, McCook and Snoddy.

And so the motion, as amended, prevailed.

Mr. Burris moved that the House go into a Committee of the Whole, pursuant to leave granted this morning.

Mr. Deitzler moved that the motion be laid on the table.

Lost.

The motion of Mr. Burris prevailed, and

The House resolved itself into Committee of the Whole for further consideration of House Bill No. 179.

Mr. Burnett in the chair.

The Committee arose and reported progress, through its Chairman, and asked leave to sit again, on Monday next, at nine o'clock A. M., which was

Agreed to.

On motion of Mr. Perry,

House adjourned untill nine o'clock Monday morning.

ALFRED GRAY,
Chief Clerk.

MONDAY, Jan. 28, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees, Messrs. Bailey, Burnett, Dunton, Fairchild, Guthrie, Humber, Hawkins, Lakin, Lines, McCook, Perry, Roberts, Snoddy, Simpson, Starns and Williams.

Journal of Saturday read, corrected and approved.

On motion of Mr. Lines,

The vote whereby resolution asking relief from Legislatures of States, was passed on Saturday, was reconsidered.

Mr. Lines offered the following as a substitute for said resolution, and moved the suspension of the rules for its adoption :

Resolved, By the House of Representatives, (the Council concurring,) That a Committee of three on the part of the House and two on the part of the Council, be appointed to prepare a memorial to the several Legislatures of the western and northern States now in session, asking relief for the people of Kansas with special reference to procuring spring wheat, corn and potatoes, for seed.

Mr. Winchell was excused as a member of Committee appointed under said resolution, and

Mr. Snoddy appointed thereon.

On motion of Mr. Lillie,

The rules were suspended, and

Substitute to House Bill No. 42, entitled "An Act defining the southern boundary of Breckinridge county," was

Considered engrossed, and

Read a third time.

The question being "Shall the substitute of the Bill pass?" the vote resulted as follows:

Yeas—23. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Greer, Graves, Hanway, Hawkins, Kean, Lillie, Markham, Miller, Pierce, Perry, Roberts, Snoddy, Simpson, Thoman, Wilson and Winchell.

Mr. Reynolds voted in the negative.

Mr. Buckmaster was excused from voting.

And so the substitute to the Bill passed, and

The title amended by adding "other purposes" thereto.

Title, as amended, agreed to.

Mr. Dunton moved that the rules be suspended, and

House Bill No. 66, entitled "An Act defining the northern boundary of Davis county," be taken up, and considered.

Motion prevailed.

Mr. Reynolds moved that House Bill No. 66 be so amended, as to make the second standard parallel the boundary line between Riley and Davis counties.

Lost.

The previous question demanded.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—21. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Greer, Graves, Hanway, Hawkins, Lakin, Lillie, Pierce, Perry, Roberts, Snoddy, Thoman, Wilson and Winchell.

Those voting in the negative, were

Messrs. Lines, Markham, Miller, Reynolds and Simpson.

Title amended by inserting "range 8," after word "ten," and agreed to as amended.

Mr. Winchell presented petition of J. L. Boyce and 13 others, for repeal of charter of incorporation of the City of Burlingame, Osage county;

Also, remonstrance of James Rogers and 19 others, against the same.

Both reports were referred to Committee on Corporations and Banking.

Mr. Perry introduced House Bill No. 187, entitled "An Act legalizing the acts of Alexander Hughan, as executor of John Hughan, deceased," which was

Read first time.

Mr. Coffinberry introduced House Bill No. 188, entitled "An Act to amend an Act entitled 'An Act to define the judicial districts of the Territory of Kansas; and fix the time and places for holding the several courts therein,'" which was

Read first time.

Mr. Deitzler introduced House Bill No. 189, entitled "An Act to amend an Act entitled 'An Act to amend and consolidate the several Acts relating to the City of Lawrence,'" which was

Read first time.

Mr. Reynolds introduced House Bill No. 190, entitled "An Act to incorporate Union Lodge No. 7, of Ancient, Free and Accepted Masons," which was

Read first time.

Mr. Markham introduced House Bill No. 191, entitled "An Act to divorce Joacum Hughes and Elizabeth Hughes," which was

Read first time.

On motion of Mr. Burris,

House Bills Nos. 25 and 180 were recommitted to the Judiciary Committee.

Mr. Bailey introduced a petition of R. C. Thompson and others, to postpone the payment of taxes and reduce the fees of officers.

Referred to Committee on Judiciary.

Also, petition of Samuel F. Few and others, to defer the collection of taxes in Leavenworth county.

Also, petition of Amos Rees and others, to the Legislature, to reduce the clerk's fees, &c.

Referred to Committee on Judiciary.

Also, petition of Alexander F. Mason and others, to extend the time for the payment of taxes.

Referred to Committee on Judiciary.

Pursuant to leave, granted on Saturday,

The House went into Committee of the Whole, for the further consideration of House Bill No. 179.

Mr. Burnett in the chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again, at two o'clock, this afternoon.

Agreed to.

Mr. Lines, from Committee appointed to prepare a Memorial to the Legislatures of the States, asking relief for Kansas, made the following report:

MR. SPEAKER: The Joint Committee, appointed to prepare a memorial to the Legislatures of the several States now in session, in behalf of the suffering in Kansas, respectfully report the following:

To the Governor and Legislative Assembly of the State of

The undersigned, a Committee of the Legislature of the Territory of Kansas, would respectfully and earnestly represent:

That the people of Kansas have suffered, during the past summer, from one of the most severe drouths ever before known in the history of this or any other country. We do not deem it necessary to spread before you a detailed account of the hardships consequent upon this state of things; we will only say that we are amazed whenever called to contemplate the severity and extent of the calamity.

Not less than thirty thousand persons are now and will be dependent for subsistence, upon outside resources, until our next harvest, and, in addition to the need of provisions and clothing, a large amount of seed wheat, corn and potatoes will be required at an early day, or the citizens of Kansas must, to some extent, remain beneficiaries upon eastern liberality for the year to come. The snow, which has fallen in immense quantities all over our country, burying beyond the reach of our stock the principal source of subsistence which remained for them—in the dry grass of the prairies—must inevitably cause the death, by starvation, of a large portion of our cattle, while at the same time the roads are rendered impassable and the people exposed to greatly increased privation and suffering, from the difficulty of reaching the points where food is to be obtained; from these causes we have great reason to apprehend that our condition in the spring must be most helpless and hopeless without a liberal and prompt response to this appeal.

We are assured, from the office of the Relief Committee, at Atchison, that the indications are daily becoming more and more alarming, in consequence of the falling off of private donations, and we are urged to take some measures to provide *for the worst* that may yet be in the future.

We are especially desirous to procure, from legislative beneficiaries, the means of furnishing our people at least one hundred thousand bushels of seed wheat, and a sufficiency of corn and potatoes also, for spring planting.

Our position is one of extreme trial; already overwhelmed

with a deep sense of obligation to sympathizing friends in the East, who have hitherto, under the kind promptings of generous hearts, opened wide their hands for our relief, we are still impelled, by painful necessity, from what we know of the condition of the country, to renew our appeal, addressing ourselves, in this instance, to the concentrated generosity of our eastern friends, as represented in the Legislative Assemblies now in session.

We ask, therefore, that the condition of our people may be considered, and, as seed time is rapidly approaching, we earnestly desire that whatever is done to save us, as a people, from a prolongation of our destitution and suffering beyond another harvest, be done speedily.

While we deplore some of the sad effects of our recent severe weather, and storms of snow, we recognize behind the cloud the benignant designs of a kind Providence in preparing our soil, by a process pre-eminently adapted to the end desired, for an early and successful spring culture.

The Territorial Relief Committee have an office at the city of Atchison, and they have the confidence of the people of the country; and we believe any funds committed to them will be wisely, faithfully and equitably distributed over the Territory, according to the necessities of the people; but those who may prefer to disburse their charities through other channels, will, of course, consult their own judgment in the matter.

With grateful acknowledgments for the kind sympathy and substantial aid already received, your memorialists, as in duty bound, will ever pray.

Your Committee recommend the adoption of the following Resolution:

Resolved, By the House of Representatives, (the Council concurring,) That we approve and adopt the foregoing Memorial, and request the Governor of the Territory to forward a copy thereof to each of the Governors of the States whose Legislatures are now in session.

All which is respectfully submitted.

CHAS. B. LINES,
Chairman.

Mr. Miller moved that so much of the report as recommends persons who are to receive the donations, and the places at which the same shall be received, be referred to a Special Committee.

Mr. Deitzler moved that the report and resolution be laid upon the table and that one thousand copies of the same be printed.

Motion prevailed.

Report of Mr. Burris, Chairman, from Committee on Judiciary :

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 142, entitled “An Act to exempt the firemen of Leavenworth City from poll tax,” and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 165, “An Act for the punishment of certain trespassers,” and instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration Council Bill No. 21, “An Act to repeal an Act entitled ‘An Act to create the office of Justice of the Peace in the city of Junction, and to provide for the election of Justice of the Peace,’ ” and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 175, entitled “An Act legalizing the election of the county officers in Davis county, also, legalizing the official acts of certain persons therein named,” and instruct me to report the same back, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 168, “An Act to regulate agencies of Foreign Insurance Companies,” and instruct me to report the same back to the House, with the following amendments :

Strike out the words “Court of Common Pleas,” wherever the same occur, and insert the words “District Court.”

Also, in section seven, strike out the words “and fed on bread and water only.”

JOHN T. BURRIS,
Chairman.

MR. SPEAKER .—The Committee on Judiciary have had under consideration House Bill No. 137, “An Act amending an Act exempting property from execution,” and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 127, "An Act divorcing Alexander Edwards and Deborah Edwards," and instruct me to report the same back to the House, with a recommendation that it be negatived, for the following reasons, to wit: First, Because the facts set forth in the application are not proven to the satisfaction of the Committee. Second, Said facts, if proven, would entitle the applicant to the relief sought in the courts of the Territory.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 164, "An Act supplemental to an Act exempting certain property from sale on execution or other process," and a majority of said Committee instruct me to report adversely thereon.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 29, "An Act to organize the county of Orange," and instruct me to report adversely thereon, for the reason that the Territory embraced within the limits of said proposed county of Orange is Indian territory.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Gilpatrick,

House adjourned.

ALFRED GRAY,
Chief Clerk.

TUESDAY, January 29, 1860, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees, Messrs. Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Fairchild, Guthrie, Gilpatrick, Hawkins, Miller, McCook, Pierce, Perry, Reynolds, Simpson, Thoman, Williams.

Prayer by Rev. Mr. Cordlèy.

Journal of yesterday read, corrected and approved.

Mr. Gilpatrick moved that the rules be suspended and House Bill No. 179 taken up and considered.

Withdrawn.

Mr. Lines arose and spoke to a question of privilege, and denied the statements made in certain newspapers, which were defamatory of his character.

On motion of Mr. Anderson, a Committee of three was appointed, to investigate the question of privilege, referred to by Mr. Lines, in his denial of the charges and imputations, made in a certain newspaper, against him.

Mr. Gilpatrick moved that the morning orders be suspended, and House Bill No. 179 be taken up, and considered.

Mr. Winchell moved to amend the motion, so that the House resolve into Committee of the Whole, for the further consideration of the substitute, adopted in Committee of the Whole, House Bill No. 179.

Accepted.

Motion as amended prevailed.

The House went into Committee of the Whole.

Mr. Burnett in the Chair.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House of Representatives, that the Council have concurred in House Concurrent Resolution relating to applications to Northern and Western Legislatures for relief; also, they have passed Council Bill No. 53, "An Act divorcing Lucy Van Tiffin and Schuyler Van Tiffin;" also, Council Bill No. 38, "An Act to incorporate the Commercial Bank of Kansas," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Message from the Governor :

To the House of Representatives :

I herewith return, without my approval, an Act, which originated in your House, entitled "An Act to repeal certain laws therein named."

This Act seeks to repeal the provisions of law authorizing certain officers to issue fee bills for the collection of costs due them. That the existing laws need modification and revision, is indeed true; but, in my opinion, there are circumstances under which to deprive clerks of this power, would work great injustice to them, and impose additional costs upon parties litigant.

For instance, section 3 of an Act regulating fees of the clerks, &c., approved February 27th, 1860, provides: "The plaintiff in any civil action, shall be liable, after final judgment, for all costs, necessarily incurred in the prosecution of, or defending the same; *Provided*, That, in all cases where judgment for costs is or has been rendered against the defendant, execution shall have first issued against said defendant, and returned not satisfied, before a fee bill shall issue against the plaintiff."

Now, in this case, unless the clerk be authorized to issue his fee bill against such plaintiff, he is left no remedy save an action in which all the formula is to be gone through, and all the expense of the original action again incurred; this, too, to merely ascertain that, of which the court is bound to take official notice, to-wit: its own approved records. The policy of law, it has long since been agreed, is to avoid litigation. The effect of this Act, should it become a law, would be just the reverse. As I cannot think, it is the intention of the Legislative Assembly, to totally do away with the customary provision, without supplying some remedy in its stead, for such instances as above referred to, I return the Bill to your honorable Body for reconsideration.

Respectfully,

G. M. BEEBE.

Message from the Council :

MR. SPEAKER:—I am directed, to notify the House, that the Council have passed, Council Bill No. 37, "An Act imposing a tax on a ferry privilege and extending the charter;" also, Council Bill No. 49, "An Act making an appropriation for paying the salary and other expenses, allowed by law to the Territorial Superintendent of Common Schools," also, Council Bill No. 61, "An Act for the relief of J. Lieby and L. S. Hall," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

The Committee of the Whole arose, and reported progress, and asked leave to sit again this afternoon, at three o'clock.

Agreed to.

On motion of Mr. Gilpatrick,

House adjourned to meet again in Special Session at three o'clock P. M., for the further consideration of House Bill No. 179.

AFTERNOON SESSION.

THREE O'CLOCK,

Quorum present.

Speaker in the Chair.

On motion of Mr. Winchell,

The rules were suspended, and

The message from the Council this morning, reporting passage of Bill, appropriating salary to School Superintendent, was taken up.

Council Bill No. 49, entitled "An Act making an appropriation for paying the salary and other expenses, as allowed by law to the Territorial Superintendent of Common Schools," was

Read first time.

On motion of Mr. Winchell,

The rules were suspended,

The Bill read a second and third time, and

Considered engrossed, and

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—24. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Kean, Lakin, Lines, Pierce, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Evans and Miller.

So the Bill passed, and

Title was agreed to.

Mr. Gilpatrick moved that the House resolve itself into Committee of the Whole, on substitute to House Bill No. 179, pursuant to leave granted this morning.

Mr. Winchell moved to amend so that the House may proceed to consider House Bills Nos. 129 and 172.

Mr. Greer moved to amend amendment so as to include Council Bill No. 18.

Lost.

Pending which, upon leave,

Mr. Snoddy made the following report :

MR. SPEAKER :—The Committee on Enrolled Bills presented House Bill No. 10, entitled “An Act incorporating the first Congregational Church, at Manhattan;

Also, House Bill No. 128, entitled “An Act making an appropriation for the Clerk of the House for the session of 1860, for extra services,” for signature, on Monday January 28th, 1861.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 20, entitled “An Act to incorporate the Lawrence University of Kansas,” and find it properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Lines moved to amend Mr. Winchell's amendment so as to include report of Committee appointed to Memorialize Legislatures of the Northern and Western State for relief.

Lost.

Mr. Winchell's amendment prevailed.

Also, motion of Mr. Gilpatrick, as amended, prevailed, and

House Bills Nos. 129 and 172 were taken up.

House Bill No. 129 was read by section.

Section 1 adopted.

On motion of Mr. Winchell,

Section 2 was amended as follows: The words "and of each assistant four dollars," were stricken out.

Sections 3, 4 and 5 adopted without amendment, and

Section 6 was added to the Bill as follows:

Section 6. This act to take effect and be in force from and after its passage.

On motion of Mr. Winchell,

The rules were suspended, and

House Bill No. 129, entitled "An Act defining the extra officers of the Council and House of Representatives, and fixing their salaries," was

Considered engrossed and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—27. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Bur-

ris, Coffinberry, Deitzler, Evans, Fairchild, Greer, Graves, Gilpatrick, Humber, Hanway, Kean, Lakin, Lillie, Lines, Pierce, Perry, Roberts, Simpson, Starns, Thoman, Wilson, Winchell.

Mr. Miller voted in the negative.

So the Bill passed.

The title was agreed to.

House Bill No. 172 was read, and section 1 was amended by inserting the word "Legislative" between "the" and "session," in third line.

Adopted, as amended.

Mr. Winchell offered the following resolution, to be inserted as section 2d, in said Bill :

Section 2. That the Clerk of the House and Secretary of the Council be each allowed the sum of \$350 for extra services in transcribing the Journals and depositing the same with the Secretary of the Territory.

Mr. Buckmaster moved to strike out "three hundred and fifty dollars" and insert "two hundred and fifty dollars."

Mr. Dunton moved to amend by inserting "one hundred dollars," which was

Lost, and

Motion of Mr. Buckmaster prevailed, and

Section as amended, adopted.

Section three changed to four, section four to five, and in section three the blank was filled with the sum of "five thousand dollars," and the words added thereafter, "or as much thereof as may be necessary," and was

Adopted, as amended.

Section five was adopted without amendment.

On motion of Mr. Winchell,

The rules were suspended, and
The Bill was considered engrossed; and
Read a third time.

The question being "Shall the Bill pass?" the vote resulted
as follows :

Yeas—31. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett,
Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie,
Greer, Graves, Gilpatrick, Humber, Hanway, Kean, Lakin, Lillie,
Lines, Perry, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman,
Williams, Wilson, Winchell.

Mr. Miller voted in the negative.

On motion of Mr. Winchell,

The title was amended by striking out the words "the payment
of," and the word "paying" inserted in place thereof, and the
following added : "and for transcribing the Journals," and

Agreed to; as amended.

Mr. Guthrie introduced House Bill No. 192, entitled "An Act
making an appropriation for extra services of officers and wit-
nesses of the Legislative Assembly of this Territory."

On motion of Mr. Guthrie,

Rules were suspended,

The Bill read first, second and third times, and

Considered engrossed.

The question was, "Shall the Bill pass?" the vote resulted as
follows :

Yeas—22. Nays—10.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Fairchild, Guthrie, Graves, Gilpatrick, Hanway, Kean, Lillie, Markham, Pierce, Perry, Simpson, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Deitzler, Dunton, Evans, Greer, Humber, Lakin, Miller, Roberts, Snoddy, Starns.

On motion of Mr. Winchell,

Title was so amended as to read "An Act to provide for the payment of certain extra expenses of the Legislative Assembly of 1860," and

Title agreed to as amended.

On motion of Mr. Gilpatrick,

The House went into Committee of the Whole, pursuant to leave granted this morning, for the further consideration of substitute to House Bill No. 179.

The Committee of the Whole arose and reported progress, and asked leave to sit again at 7 o'clock, this evening.

Agreed to.

Mr. Buckmaster moved the House adjourn until 7 o'clock.

Withdrawn.

Mr. Perry, from the Committee on Judiciary, made the following report:

The members from Leavenworth county, to whom was referred, for consideration, House Bill No. 84, have had the same under consideration, and report the above Bill as a substitute therefor, and recommend its passage.

WM. PERRY,
D. H. BAILEY,
CHAS. STARNES,
M. HUMBER.

The Judiciary Committee, having had under consideration House Bill No. 180 and House Bill No. 25, report inclosed Bill as a substitute therefor, and recommend its passage.

WM. PERRY,
Chairman, *pro tem*.

The Judiciary Committee, having had under consideration House Bill No. 149, recommend the passage of the same.

Mr. Guthrie, from the Committee on Judiciary, made the following report on Council Bill No. 13:

The Committee on Judiciary, to whom was referred Council Bill No. 13, being "An Act for the divorce of Harriet L. Parker and Howard E. Parker," having had the same under consideration, make the following report:

That they are fully satisfied, from the evidence before the Committee, that the said Harriet L. was induced to the said marriage by the fraudulent representations of the said Howard E., of the most revolting nature; that ever since the consummation of said marriage, the said Howard E. has been guilty of gross cruelty and neglect of duty toward the said Harriet L., rendering life intolerable to her; therefore the Committee recommend the passage of the accompanying Bill.

W. W. GUTHRIE,
for the Committee.

Mr. Humber introduced House Bill No. 193, and

On motion,

The rules were suspended, and

The Bill read the first and second time and

Referred to Committee on Corporations and Banking.

Mr. Deitzler offered the following resolution, which was adopted:

Resolved, That the Committee, appointed to inquire into the matter of Claims, be instructed to place in the hands of the Public Printer, the testimony by them taken, their report, and the opinion of the Attorney, and that one thousand copies of the same be printed for the use of the members.

Resolved, That the testimony taken by the Committee, together with their report, and the opinion of the Attorney be spread upon the Journal of the House.

[The Report, Testimony, Opinion, &c., will be found in full, commencing at the close of this day's proceedings.—PRINTER.]

Mr. Snoddy, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :—The Committee on Enrolled Bills presented House Bill No. 20, entitled "An Act to incorporate the Lawrence University of Kansas," to the Governor, for his approval, on Tuesday, January 29, 1861.

JOHN T. SNODDY,
Chairman.

Mr. Burris offered the following resolution, which was adopted :

— *Resolved*, That the Docket Clerk of the House be allowed per diem for ten days, in addition to the duration of the present session, in which to close up the business of his office and transmit the Docket and papers of this House to the Secretary of the Territory.

Mr. Thoman presented the petition of F. B. Swift and 220 others, citizens of Lawrence, Douglas county, praying for the passage of a Militia Bill, and instructions to the Representatives to vote for said Bill.

Referred to Committee on Militia.

Also, the petition and instructions of J. D. Harrington and 30 others, citizens of Franklin, Douglas county, for the passage of a Militia Bill.

Referred to Committee on Militia.

On motion of Mr. Lines,

The House adjourned, to meet at 7 o'clock this evening, to hold a special session for the further consideration of House Bill No. 179 and substitute.

EVENING SESSION.

SEVEN O'CLOCK.

House met.

Quorum present.

Speaker, *pro tem.*, in the chair.

Mr. Fairchild offered the following resolution, which was adopted :

I move the rules be suspended, and Council Bill No. 13 be considered engrossed, read a third time, and put upon its final passage.

Council Bill No. 13, entitled "An Act divorcing Harriet L. Parker from Elliott D. Parker," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—19. Nays—2.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Humber, Kean, Lakin, Lillie, Miller, Pierce, Roberts, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Gilpatrick and Wilson.

So the Bill passed.

The title was agreed to.

On motion of Mr. Simpson,

House went into Committee of the Whole for further consid-

eration of the substitute to House Bill No. 179, pursuant to leave.

Mr. Burnett in the chair.

Speaker, *pro tem.*, resumed the chair, and received the following

Message from the Governor:

EXECUTIVE OFFICE, K. T., }
January 29th, 1861. }

To the House of Representatives :

I have this day approved House Bills Nos. 128, 10 and 20.

Respectfully,

G. M. BEEBE.

Report of Mr. Burris from the Committee on Judiciary :

MR. SPEAKER:—The Committee on the Judiciary, having had under consideration House Bill No. 25, "An Act to extend the time for paying taxes, and for other purposes," instruct me to report the same back to the House with the following amendments: strike out the word "November" wherever the same occurs, and insert in lieu thereof the word "December."

JOHN T. BURRIS,
Chairman.

The Committee of the Whole arose, and, through its Chairman, reported to the House,

House Bill No. 179, with the following Bill as a substitute therefor, and recommended its passage:

AN ACT to prevent the payment of certain Bonds purporting to have been issued under the provisions of an Act entitled "An Act to provide for funding the indebtedness of the Territory," approved February 11, 1859, and certain warrants and certificates purporting to have been drawn under the provisions of an Act entitled "An Act to provide for the adjustment and payment of claims," approved February 7, 1859, and an Act supplementary to an Act entitled "An Act to provide for the payment of claims," approved February 11, 1859.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the Treasurer of the Territory of Kansas be and he is hereby prohibited from paying any bonds, or any of the coupons thereto attached, issued under the provisions of an Act entitled "An Act to provide for funding the indebtedness of the

Territory," approved February 11, 1859, so issued upon any warrants drawn under the provisions of an Act entitled "An Act to provide for the adjustment and payment of claims," approved February 7, 1859, and an Act entitled "An Act supplementary to an Act entitled 'An Act to provide for the payment of claims,'" approved February 11, 1859, or either of said two last mentioned Acts, or from paying any warrants drawn by the Auditor of the Territory upon the Treasurer of the Territory under the provisions of both or either of said last mentioned Acts.

SEC. 2. That said Treasurer is hereby prohibited from paying any interest upon said bonds or other warrants, or drawing or granting any certificate therefor.

SEC. 3. That said Treasurer is hereby prohibited from indorsing or issuing any bonds upon any such warrants, and the said Auditor is hereby prohibited from drawing any warrants upon the Treasurer upon certificates of award under both or either of said last mentioned Acts.

SEC. 4. That no officer of this Territory shall receive any such bonds, or the coupons thereof, or any such warrants or certificates of award, for the payment of taxes or other dues, to the Territory or any county or other municipal corporation.

SEC. 5. That no person or corporation shall issue or put in circulation any bank bill or note purporting to be a promise to pay money or currency, based upon any such bonds.

SEC. 6. Any violation of any of the provisions of this Act, shall be deemed a misdemeanor, and punishable by a fine not less than five hundred dollars, and imprisonment in the county jail not less than six months.

SEC. 7. That this Act shall take effect from and after the day of its passage.

Mr. Winchell moved to amend the report so as to adopt the following as a substitute :

AN ACT to prevent the payment of Claim Warrants and Bonds, or the interest thereon, until after they have been declared legal.

WHEREAS, Certain Warrants have been drawn upon the Treasurer of the Territory of Kansas, ostensibly under "An Act entitled 'An Act to provide for the adjustment and payment of Claims,'" approved February 27, 1859, and certain Bonds had been issued upon a portion of said Warrants, ostensibly under "An Act entitled 'An Act to provide for funding the indebtedness of the Territory,'" approved February 11, 1859, which said Warrants and Bonds are of questionable validity, therefore

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the Treasurer of the Territory be and is hereby prohibited from paying any Warrants or Bonds so issued, or any interest accruing upon said Warrants or Bonds, and from granting any certificate therefor, until after they shall be pronounced legal and valid, by the proper Judicial authority.

SEC. 2. That no officer of this Territory shall receive any such Bonds or the coupons thereof, or any such Warrants or certificates of award, not declared legal and valid, as specified in section 1.

SEC. 3. That no officer of this Territory shall hereafter draw any warrants, or issue any Bonds, based upon the awards of the Commissioners created by said Act, approved February 7, 1859.

SEC. 4. Nothing in this Act shall be construed as giving said Warrants or Bonds any validity which they do not now possess.

SEC. 5. This act shall take effect and be in force from and after its passage.

Upon which the yeas and nays were demanded, with the following result :

Yeas—2. Nays,—28.

Those voting in the affirmative were

Messrs. Deitzler and Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Kean, Lakin, Lillie, Lines, Miller, McCook, Perry, Pierce, Snoddy, Simpson, Starns, Thoman and Wilson.

So the amendment was lost.

Mr. Winchell offered the following, to be inserted as section 7th, in said Bill :

“ That nothing in this Act shall be so construed as to impart any validity to the Bonds or Warrants already issued, and described herein, nor to prohibit the payment of any Bonds or Warrants, or the interest thereon, after the same shall have been declared legal and valid by the proper Judicial authority.”

Upon which the yeas and nays were demanded, with the following result:

Yeas—2. Nays—28.

Those voting in the affirmative were

Messrs. Deitzler and Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Miller, McCook, Pierce, Perry, Snoddy, Simpson, Starns, Thoman and Wilson.

And so the substitute was lost.

On motion,

The report of the Committee of the Whole was agreed to.

On motion of Mr. Guthrie,

The rules were suspended, and

House Bill No. 179 was

Considered engrossed and

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—27. Nays—3.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gilpatrick, Humber, Hanway, Kean, Lakin, Lillie, Lines, Miller, Pierce, Snoddy, Simpson, Starns, Thoman and Wilson.

Those voting in the negative were

Messrs. McCook, Perry and Winchell.

Mr. Winchell gave the following as his reasons for voting in the negative:

“For the reason that I believe the Bill contains the feature of repudiation. That I am in favor of such Legislation as will refer the question of the validity of said Warrants and Bonds to to the proper Judicial tribunals, and in the mean time prohibit the payment of any interest or principal upon the same, and the House having deferred all amendments offered for the purpose of removing these objections, I feel compelled to vote ‘No.’”

So the Bill passed.

Title was agreed to.

On motion of Mr. Lines,

The following Memorial and Resolution was adopted:

MR. SPEAKER: The Joint Committee, appointed to prepare a memorial to the Legislatures of the several States now in session, in behalf of the suffering in Kansas, respectfully report the following:

To the Governor and Legislative Assembly of the State of

The undersigned, a Committee of the Legislature of the Territory of Kansas, would respectfully and earnestly represent:

That the people of Kansas have suffered, during the past summer, from one of the most severe drouths ever before known in the history of this or any other country. We do not deem it necessary to spread before you a detailed account of the hardships consequent upon this state of things; we will only say that we are amazed whenever called to contemplate the severity and extent of the calamity.

Not less than thirty thousand persons are now and will be dependent for subsistence, upon outside resources, until our next harvest, and, in addition to the need of provisions and clothing, a large amount of seed wheat, corn and potatoes will be required at an early day, or the citizens of Kansas must, to some extent, remain beneficiaries upon eastern liberality for the year to come. The snow, which has fallen in immense quantities all over our country, burying beyond the reach of our stock the principal source of subsistence which remained for them—in the dry grass of the prairies—must inevitably cause the death, by starvation, of a large portion of our cattle, while at the same time the roads are rendered impassable and the people exposed to greatly in-

creased privation and suffering, from the difficulty of reaching the points where food is to be obtained ; from these causes we have great reason to apprehend that our condition in the spring must be most helpless and hopeless without a liberal and prompt response to this appeal.

We are assured, from the office of the Relief Committee, at Atchison, that the indications are daily becoming more and more alarming, in consequence of the falling off of private donations, and we are urged to take some measures to provide *for the worst* that may yet be in the future.

We are especially desirous to procure, from legislative beneficiaries, the means of furnishing our people at least one hundred thousand bushels of seed wheat, and a sufficiency of corn and potatoes also, for spring planting.

Our position is one of extreme trial ; already overwhelmed with a deep sense of obligation to sympathizing friends in the East, who have hitherto, under the kind promptings of generous hearts, opened wide their hands for our relief, we are still impelled, by painful necessity, from what we know of the condition of the country, to renew our appeal, addressing ourselves, in this instance, to the concentrated generosity of our eastern friends, as represented in the Legislative Assemblies now in session.

We ask, therefore, that the condition of our people may be considered, and, as seed time is rapidly approaching, we earnestly desire that whatever is done to save us, as a people, from a prolongation of our destitution and suffering beyond another harvest, be done speedily.

While we deplore some of the sad effects of our recent severe weather, and storms of snow, we recognize behind the cloud the benignant designs of a kind Providence in preparing our soil, by a process pre-eminently adapted to the end desired, for an early and successful spring culture.

The Territorial Relief Committee have an office at the city of Atchison, and they have the confidence of the people of the country ; and we believe any funds committed to them will be wisely, faithfully and equitably distributed over the Territory, according to the necessities of the people ; but those who may prefer to disburse their charities through other channels, will, of course, consult their own judgment in the matter.

With grateful acknowledgments for the kind sympathy and substantial aid already received, your memorialists, as in duty bound, will ever pray.

Your Committee recommend the adoption of the following Resolution :

Resolved, By the House of Representatives, (the Council concurring,) That we approve and adopt the foregoing Memorial,

and request the Governor of the Territory to forward a copy thereof to each of the Governors of the States whose Legislatures are now in session.

All which is respectfully submitted.

CHAS. B. LINES,
Chairman.

Mr. Snoddy offered the following resolution, which was adopted:

Resolved, That the thanks of this House are due to the publishers of the Leavenworth *Daily Conservative*, for their promptness in furnishing to the members the intelligence of the admission of Kansas twenty-four hours in advance of the regular mail.

On leave, Mr. Guthrie introduced House Bill No. 194, which was

Read first time.

On motion of Mr. Guthrie,

Rules were suspended, and

Bill read a second time and

Referred to Committee on Judiciary.

On motion of Mr. Pierce,

The rules were suspended, and

House Bill No. 56, entitled "An Act permanently locating the county seat of Washington county, K. T.," was taken up and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows.

Yeas—23. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Lillie,

Lines, McCook, Pierce, Perry, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

On motion of Mr. Bailey,

The rules were suspended, and

House Bill No. 153, entitled "An Act to amend 'An Act to incorporate and establish the city of Leavenworth,' &c. ; also, to amend an Act amendatory of said Act," approved February 27, 1860;

Also, House Bill No. 37, entitled ———, be considered engrossed and read third time.

The question being "Shall House Bill No. 153 pass?" the vote resulted as follows:

Yeas—22. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Coffinberry, Deitzler, Dunton, Evans, Greer, Graves, Gilpatrick, Humber, Hanway, Lillie, Lines, McCook, Pierce, Perry, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 34 was

Read third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—18. Nays—2.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Deitzler, Dunton, Evans, Guthrie, Graves, Hanway, Lillie, McCook, Pierce, Perry, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Lakin and Lines.

So the Bill passed, and

Title was agreed to.

On motion,

House adjourned until 9 o'clock, A. M., to-morrow.

ALFRED GRAY,
Chief Clerk.

REPORT OF SPECIAL COMMITTEE ON "CLAIM BONDS."

Your Committee, who were appointed under the following resolution, to wit:

"*Resolved*, That a Committee of five be appointed to investigate the matter of Claims, arising under the Act entitled "An Act to provide for the adjustment and payment of Claims, and an Act supplementary thereto," passed February 7th and 11th, 1859, to inquire what attempts, if any, have been made to foist a portion of said Claims as a debt against the Territory, and to inquire what, if any, attempts have been made to establish banking institutions upon said Claims, so attempted to be fastened upon said Territory, and to inquire into all matters connected with, or growing out of said Claims, under said acts, and full powers to send for persons and papers, to compel the attendance of witnesses, and to do all things necessary for a full investigation of all matters connected with said Claims, or growing out of, or connected with all matters and doings which had been had under, or by virtue of said Acts, with power to report by Bill, or otherwise,"

Would respectfully report that they entered upon the discharge of their duties, by taking the testimony of certain witnesses, whose means of knowledge, in regard to the subject embraced in the resolution, were, in the opinion of the Committee, of a superior character.

The investigation, thus far, has elicited facts sufficient to justify the Committee in calling upon the House for immediate action. The continuance of the investigation will, in the opinion of the Committee, present other facts which may require from the House still further action.

Your Committee, accordingly, having arrived at certain settled convictions, deem it prudent to report to the House, the present result of their labors, without waiting the close of the investigation intrusted to them.

This result of the labors of the Committee at present consists in the fact that they have arrived at the conclusion that both the Warrants and Bonds, issued under the Act entitled "An Act to provide for the adjustment and payment of Claims," approved February 7, 1859, and the Act to provide for funding the indebtedness of the Territory, approved February 11, 1859, were illegally issued, and are not binding upon the Territory as indebtedness. In support of this view, your Committee would submit, as part of their report, the accompanying opinion of the attorney for the Territory, appointed by the Committee, under a resolution of the House; and further recommend the passage of the accompanying Bill, and ask leave to continue their investigation.

R. GILPATRICK,

Chairman of the Committee.

AN ACT to relieve the Territory of Kansas from Illegal Debts.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows, to wit:

WHEREAS, Certain Warrants have been drawn upon the Treasury of the Territory of Kansas, ostensibly under an Act entitled "An Act to provide for the adjustment and payment of Claims," approved February 7, 1859, and certain Bonds have been issued upon a portion of said Warrants, ostensibly under an Act entitled "An Act to provide for funding the indebtedness of the Territory," approved February 11, 1859, which said Warrants and Bonds are manifestly illegal and void; therefore

SECTION 1. *Be it enacted*, That the Treasurer of Kansas Territory be and he is hereby prohibited from paying any Bonds so issued, as aforesaid, upon Warrants which were drawn by the Auditor, under said Act of February 7th, 1859, or from paying any Warrants so drawn by the Auditor.

SEC. 2. *Be it further enacted*, That said Treasurer is hereby prohibited from paying any interest upon said Bonds or Warrants, or granting any certificates of indebtedness therefor.

SEC. 3. *Be it further enacted*, That said Treasurer is hereby prohibited from issuing any Bonds upon said Warrants, and the said Auditor is hereby prohibited from drawing any Warrants upon the Treasury for certificates of award under said Act.

SEC. 4. *Be it further enacted*, That no officer of this Territory shall receive said Warrants, Bonds or Certificates for the payment of taxes or other dues to the Territory or any county or municipal corporation; nor shall any person or corporation issue any bank bill, purporting to be a promise to pay money, by any bank, based upon said Bonds. Any violation of the provisions of this act, by any person, shall be deemed a misdemeanor, and punished by not less than five hundred dollars fine, and imprisonment, in the county jail, not less than six months.

TESTIMONY.

JANUARY 19th, A. D. 1861.

TESTIMONY OF HUGH S. WALSH.

Hugh S. Walsh, being duly sworn, deposes as follows:

I was appointed Secretary of the Territory in May, 1858, and continued to act as such until June, 1860. I refer the Committee to a letter addressed by me to S. N. Wood, Chairman of a committee, of date February 18, 1860, found on page 523 of the Journals of the House of Representatives of the Legislative Assembly of Kansas for 1860. Mr. Wood addressed me another note which, I think, was relative to the custody of the seal of the Territory. My answer to which, is not to be found in the published proceedings of the Investigating Committee, of which S. N. Wood was Chairman. My answer was, that the seal of the Territory was not by law in the custody of either the Secretary or Governor. I, as Secretary, never attached the seal of the Territory to any of the Bonds issued under an Act funding the indebtedness, approved February 11, 1859. I refused to permit an attestation of that character to be printed with the Bonds. Upon my refusal, the form of the Bond was so altered as not to show by whom the seal was to be affixed. I have never seen any of these Bonds in circulation except one in the hands of Wm. Morrow of Lecompton, which was issued for legislative expenses. I have heard of their being in circulation.

After the date of my letter to S. N. Wood, and at about the adjournment of the Legislature of 1860, Mr. Adams, one of the Claim Commissioners, came to me and filed the paper which is published on page 503, *et sequitur* of the House Journal of 1860. That is the only paper from the Claim Commissioners ever filed with me, as Secretary, except their oath and bonds, which were made up and filed in compliance with an Act supplementary to an Act entitled "An Act to provide for the payment of Claims," approved February 11th, 1859. I at first objected to the receipt of the paper from Mr. Adams, because it was not filed in the time required by the Act to provide for the adjustment of claims, but finally assented to its reception, and gave a receipt accordingly. I do not know who put the seal of the Territory to the Bonds.

In May or June, 1859, I was applied to by Mr. Mitchell, the Treasurer of the Territory, to approve, as Acting Governor, certain Territorial Bonds. I refused on the grounds that I did not believe any Bonds issued for Claims, under the Act to provide for the adjustment and payment of Claims, were valid. The Treasurer informed me that the Bonds were not for claims but Territorial expenses, and belonged to David Weir. I informed him that I would not sign any Territorial Bonds whatever without tracing them back to their original indebtedness, through all the parties' hands through which they might have passed. As I was superintending the public printing at the time, I had not then leisure to do it. Gov. Medary returned again shortly after, and I was never again applied to for that purpose. The only application to approve Bonds, made to me, came from Mr. Mitchell.

The seal of the Territory was kept in the room occupied by the Governor. I, as Secretary, frequently used it in attesting commissions, &c. I commenced using it when Private Secretary to Gov. Denver, and afterwards used it as Secretary and Acting Governor. I never asked permission to use the seal from any person.

Cross examined by Mr. Lowman, as Attorney for the Claimants.

The opinion which I expressed, in my letter to Mr. Wood, related to the illegality of Bonds issued for Claims, under what is known as the Claim Act.

Question by Mr. Lowman : At, and before the time the Bonds mentioned in your direct examination were issued, were you not on friendly terms with Gov. Medary ?

Before the time of issuing the Bonds we were on friendly terms, and so continued for sometime afterwards. The Bonds were issued in the summer of 1859; we continued friendly up to January, 1860. I then, for the first time, discovered that Gov. Medary was unfriendly to me, and I presumed his hostility arose out of a report which I made, as Secretary, to 21 members of the Legislature who called upon me for information in regard to these claim Bonds. At least up to that time we were on speaking terms. When I was called upon by Mr. Mitchell to approve the Bonds, Gov. Medary was in Ohio. The report above alluded to contained the facts here stated in my testimony.

Mr. Adams excused himself for not having filed the papers mentioned in section 10 of the Claim Act, by stating that the Legislature of 1860 had provided that those papers should be placed in the hands of a Commissioner, to be sent to Washington, to be appointed by the Governor. I replied to him that the law required them to be filed by September, 1859, and that the resolution referred to was not passed until 1860. I asked him where they had been during this time. He said the Claim Commissioners had not had time to prepare them for filing. I do not know whether the Claim Commissioners made any awards after the first of September, 1859, or not.

HUGH S. WALSH.

Subscribed and sworn to before me,
this 19th Jan., 1861.

R. GILLPATRICK,
Chairman of Committee.

Hugh S. Walsh, the above witness, was re-called, and testified as follows :

I think I know something in regard to Banking Institutions being established on these Bonds. I heard various rumors upon the subject at

the close of the Legislature of 1859. The first intimation I had of it was from John W. Wright, a member of the Legislature of 1859, who informed me that they, including himself, were going to establish a Bank in Lawrence on the basis of the Claim Bonds, under a charter of 1858, establishing a Bank in Lawrence, Wyandott and Leavenworth. I informed him that they could not do it because there was a law of Congress in the way; also, that the Charter had expired, and that there was no authority to issue Bonds under the Claim Act, and that there was not sufficient other indebtedness to form the basis of a Bank; that it would be a failure, and injure all the parties engaged in it. He told me I had better not meddle with the matter or oppose it, but let it travel along; that they were determined to do it, and I could not prevent it. I heard various rumors in regard to the existence of a Bank but had no definite knowledge on the subject until January, 1860. I then heard that once in a while a bill of this bank was seen in circulation. I heard G. W. Brown say that he got a small bill of the Bank in St. Joseph. I did not see any myself until May, 1860, though I had heard of them being in circulation. When I first saw them, I found they appeared to be registered by the Territorial Treasurer. I then had the following correspondence with the Treasurer:

EXECUTIVE OFFICE, KANSAS TERRITORY,
Lecompton, May 26th, 1860. }

MR. ROBERT B. MITCHELL, Territorial Treasurer:—

SIR:—I have before me what purports to be a bank note, issued by the Lawrence Bank, of Lawrence, Kansas, signed by E. A. Smith, Cashier, and R. Morrow, President, and on the margin is engraved "secured by the pledge of public stocks," and it is countersigned by R. B. Mitchell, Treasurer, and dated April 14, 1860.

I desire to know whether you have countersigned any such bills or bank notes, and, if so, to what amount or value, and what kind of public stocks you have received for them as security, and by what authority you receive public stocks of any kind as security for the issue of Bank Bills or Notes.

I am Sir, very respectfully,

Your ob't servant,

HUGH S. WALSH,
Secretary and Acting Governor of Kansas Territory.

TREASURER'S OFFICE, }
Lecompton, May 28, 1860. }

MR. HUGH S. WALSH, Secretary and Acting Governor of Kansas Ter.

SIR:—Your note of 26th inst. is received. In reply, I have only to ask by what authority you propound certain questions to me relative to the Lawrence Bank securities, bank notes or bills, &c.

I have the honor to be, very respectfully,

Your ob't servant,

ROBT. B. MITCHELL,
Treasurer of Kansas Territory.

EXECUTIVE OFFICE, KANSAS TERRITORY, }
Lecompton, May 28th, 1860. }

MR. ROBERT B. MITCHELL, Territorial Treasurer, Lecompton:—

SIR:—In reply to your inquiry, by what authority I propound certain questions to you in relation to the Lawrence Bank securities, notes and bills, I refer you to the 15th section of the Act creating the office of Territorial Treasurer, which is as follows: "It is his duty to submit his

books, accounts, vouchers and funds to the inspection of the Governor," &c. I did not anticipate a want of knowledge of my authority at the time I made the inquiry, or I would have referred you to the section of the law.

I am Sir, very respectfully,

Your ob't servant,

HUGH S. WALSH,

Secretary and Acting Governor.

EXECUTIVE OFFICE, KANSAS TERRITORY, }

Lecompton, May 29, 1860. }

MR. ROBERT B. MITCHELL, Territorial Treasurer, Lecompton :—

SIR :—In your reply, yesterday, to my inquiry requesting information respecting your action as Territorial Treasurer, with regard to the Lawrence Bank, and the securities for its notes, &c., you say "I have only to ask by what authority you propound certain questions to me in relation to the Lawrence Bank securities, bank notes," &c. I returned by the messenger, which brought your reply, an answer, quoting the 15th section of the law creating the office of Territorial Treasurer, the authority upon which I ask these questions.

Having waited sufficiently long, as I think, for the information, and not having received it, I have now to ask whether I am to understand by your note of the 28th inst., that it is the only information I may expect to receive from you upon the matter.

I am Sir, very respectfully,

Your ob't Servant.

HUGH S. WALSH,

Secretary of Kansas Territory and Acting Governor.

TREASURER'S OFFICE, }

Lecompton, May 29, 1860. }

HON. HUGH S. WALSH :—

SIR :—Yours, of this date, is duly received, and, in reply, have only to say that I have been, since the reception of your note of yesterday, wholly incapable to find the time to make a satisfactory reply to your inquiries, but will endeavor to do so at the earliest possible time convenient.

Very respectfully,

Your ob't servant,

ROBERT B. MITCHELL,

Treasurer K. T.

Upon receiving the last note from Mr. Mitchell, I waited his action, and he left town without giving me any information in the premises.

I should have taken legal proceeding in the case, against the Treasurer, or removed him from office, but understanding that Governor Medary was on his return from Washington, having accomplished my removal, I delayed action until that fact should be ascertained, believing that if such was the case, my action would be illegal, and Mr. Mitchell would be restored to office by Governor Medary, upon his return. Finding the fact of my removal true, I waived any further action in the premises for the reasons above stated.

I have searched among the files in my office, as Secretary, for the original draft of the bill supplementary to the Claim Act, which ought to have been deposited with me, but it could not be found among the bills returned to me by the clerks. In almost every instance the original draft

of other bills were returned to me. Gov. Medary told me in regard to this supplementary Act, that there was a bill shown to him, for his private approval, before going to the House, and that the one which appeared upon the statute books is not the one thus shown to him, and that he signed it under the mistaken idea that it was the same. Gov. Medary and the House refused to appoint Commissioners, under the Claim Act, unless a supplemental Act was passed to the effect that no indebtedness should be created against the Territory by the Claim Act. The supplemental Bill, as it appears on the statute books, was passed and signed by the Governor on the last night of the session. Mr. Robert Morrow told me that the supplementary Act and the Funding Act passed along together, and that in consequence of the passage of the supplementary Act, a clause was stricken out of the funding Act, providing for funding the Claim Warrants. On the last night of the session, it has been customary for a great quantity of bills to be crowded upon the Governor at once, which he has not time to examine, but must take the assurance of others as to their contents. My object in writing to Mr. Mitchell was because I did not believe he had the right to receive these Bonds as a basis of banking, and the Auditor had refused to receive them as such.

By Mr. Gilpatrick : Do you know whether the Governor, Auditor or Treasurer, predicated their official acts, in regard to these Bonds, upon any legal advice given to either of them ?

I do believe that the supplemental Act was binding. I urged the Auditor not to issue his warrants on the Treasurer until a mandamus was issued. He was in doubt, and it was suggested to him, by Judge McKay, the Attorney under the claim Act, not to issue any warrants, as they would be illegal. He told McKay, at Topeka, that if he would defend him against a writ of mandamus, he would not issue warrants. McKay promised to do so, and agreed to come to Lecompton to consult upon the subject. He, however, did not come. After waiting, as the Auditor told me, a reasonable time, and being pressed to issue these warrants, he consulted Gov. Shannon, and Gov. Shannon gave him the opinion which will be found on the Journals of the House of 1860, page 521. In a conversation with me, Gov. Medary referred to this opinion of Gov. Shannon, with respect to the issuing of the warrants. If I recollect right, Gov. Medary asked A. C. Davis, U. S. Attorney, his opinion in regard to the legality of the issuing of these Bonds. Mr. Davis, I think, requested him, if he wanted his opinion, to address him a note, and he would give it. I understood, from Mr. Davis, that the note never was addressed to him, and he gave no written opinion, but impressed the Governor, at the time, that he did not believe any one could sustain the legality of the issuing of these Bonds. I do not know whether Davis was called upon, as above, after or before the signing of these Bonds, but I think it was after the date of them. I heard Judge Elmore tell Gov. Medary, in a conversation between us, when the Judge was present, at one time, that he could, if he chose, defer any action in regard to signing the Bonds, until the courts passed upon the question of the validity of the supplemental Act. Gov. Medary made no reply, as I recollect. I have heard Gov. Shannon say that he was Col. Eldridge's Attorney in a suit pending in Wyandott county. I presume, from the Auditor's conversation, that he called upon Gov. Shannon of his own motion.

Cross examined by Mr. Lowman.

There is no law requiring the clerks of the Legislature to file in the Secretary's office the original drafts of bills. It is, however, necessary that they should be filed in order to correct vital errors in the enrolled bills. In the year 1858 all the bills were carried off by members, and

therefore I ordered the clerks in 1859 to file the originals with me or I would not pay them, and they accordingly did file them with me that year in almost every instance—one of the omissions being the supplemental Act above referred to.

By Mr. Deitzler :—What is your opinion in regard to the legality of the warrants issued in the claim awards, and whether the Territory is more bound to pay the warrants than the Bonds?

The difference between the warrants and the bonds consists in this: that by the original claim Act, the Auditor was directed to grant warrants upon the awards of the Commissioners, but that the supplemental Act did not intend that these warrants should be a charge upon the Treasury, and that the Bonds were issued without any authority of law, and that the issuance of the Bonds at a higher rate of interest than the warrants was an absolute payment of them, they being negotiable, which the warrants were not.

HUGH S. WALSH.

Subscribed and sworn to, before me,
this 21st day of January, A. D. 1861. }

R. GILLPATRICK,

Chairman of the Committee.

Hiram J. Strickler, being duly sworn, deposes as follows ;

I am the Auditor of the Territory, and have discharged the duties of said office since 1857, inclusive. In reply to the subpoena served upon me by the Committee, I desire to make and file as part of my deposition herein, the statement made by me, and marked Exhibit "A," also a report made by me to a Committee of the House of Representatives, A. D. 1860, found on page 520 of their Journal. I do not know at what time the Commissioners under the claim Act closed their proceedings. The only statement of claims presented, and amount awarded, ever filed with me, under section 10 of the claim Act, may be found on page 307 of the proceedings of the Constitutional Convention at Wyandott, entitled "Report of the Commissioners under Act of February 7, 1859," and was filed with me, I think, before 1st September, 1859. The amount of certificates of awards filed with me up to this time is \$380,774.13, and I have issued warrants on the Treasury, to that extent. There have been certificates of awards presented to me on which I declined to issue warrants, to wit : one presented by Mr. Chapman; I did not issue the warrant because I had no blanks. More claims have been allowed, according to the report of the Commissioners, than certificates of award filed with me. *I issued warrants upon the certificates of award alone, without comparing the amounts in them with the amounts on the report of the Commissioners, or the number of the claim as contained in their report.* I did not put on the report of the Commissioners the date of its filing with me. I gave them no receipt for it, nor can I tell the date of its filing, except from recollection, nor have I any means in my office by which I can ascertain the date of its filing. I was called upon by the Committee on Ways and Means of the House, during the session of 1859, to come to Lawrence. I came then and stayed over night. I then saw a printed bill upon the subject of claims, which never became a law, entitled "An Act to provide for the payment of Claims." I told Mr. Mead, a member of the Council, that that Act was an assumption of the debt by the Territory. I inferred, from remarks in that conversation, that Mr. Mead was opposed to the bill if it created a debt against the Territory. That bill never became a law. The first applicants for warrants upon the Treasury, under section 10 of the claim Act, were Messrs. Col. S. W. Eldridge and Gov. Charles Robin-

son and Mrs. Jenkins. I think this was in April, 1859. I did not issue the warrants for some time after the first application, for the reason that I had doubts as to my authority to do so. I am not a lawyer, and felt some inability to properly construe a statute. I thought that there was some doubt as to how far my duties under the 11th section were controlled by the supplemental Act. The first act on my part was to consult with lawyers. I endeavored to consult with Wm. Weir, but did not find him. I saw Judge McKay, who was then Attorney for the Territory in these claim matters. The conversation between us was confidential, and so requested to be by him; but as he testified before the committee of last session, I feel at liberty to do so likewise. We retired to a private room. The question of the legality of the issuing of warrants was under consideration, and Judge McKay opposed it. He opposed it as a matter of right to the Territory. I stated to him that I was delicately situated as a ministerial officer; that I had been the former Commissioner to audit claims; that by the passage of a law my labors had been cast aside; that I differed in politics with the dominant party of the Territory and the makers of the law; that the Legislative Council of 1859 had just refused to confirm my appointment as Auditor; that a refusal on my part to carry out what might be claimed to be a plain provision of the law, would be charged as pique and disappointment, in consequence of my labor as Commissioner having been thrown aside, and as a mere obstinate desire to resist the will of the people. McKay suggested to let the claimants compel me by mandamus. I asked him if, upon his reputation as a lawyer, he would pledge his opinion that he could successfully resist a mandamus. His reply was that he had not given the matter a legal consideration, but that he would come to Le-compton and see me, and then give me a final answer. I never saw him afterwards until the warrants were issued. In that interview he talked of enjoining me as an officer. I told him that I would thank him to do so, that it would relieve me from any doubt as to my disposition to do right. The only other persons that I consulted with as lawyers, were those named in my report. I inferred, upon the failure of the attorney for the Territory to take any steps to enjoin, that he had given the matter up. I then resorted to, and was guided by the advice of Gov. Shannon and the Claim Commissioners. Mr. Walsh also proposed to enjoin me. I took their advice upon my own motion. On the day that I issued the first warrant, I sent my clerk to Mr. Walsh to tell him that the claimants demanded their warrants, and I would issue them. He declined to take any proceeding to enjoin me. The only certificates of award then before me, were those of the claimants already named. I am of the impression that about two weeks elapsed between the time of the first application for warrants and my first issuing them. The first conversation I ever had upon the subject of issuing bonds on these warrants, was with the Treasurer. I told the Treasurer that the issue of them was an act of his own. I took no position either for or against the issue of them. He took the position then, that upon the presentation of my warrants, he would regard them as evidence of indebtedness, and issue the bonds. The warrants were then issued perhaps a month. I adhered to the position above, throughout. There are not and never have been any bonds deposited with me as the basis of a bank. The incorporators of the Lawrence bank applied to me to sign bills of issue. I declined to do so, because I did not consider myself the bank depository. I never was applied to to be the depository of any bonds for banking purposes.

Cross examined by Mr. Jones, attorney for claimants.

It was several months after I issued warrants before I was applied to to

sign bank bills. I never, by any haste in issuing warrants to the three persons above named, or by suppressing my action in so issuing, to prevent any persons taking any legal steps to test the legality of the issuance of said warrants. I never was solicited by those persons to suppress my action, or conceal it in the issuing of those warrants. I was only approached in the ordinary way of business. My only motive in consulting with McKay and others, was to ascertain my legal duty. My opinion is that the law defining the duties of Auditor, did not transfer the duties of the Comptroller, as bank depository, to the Auditor. I have seen the claim bonds and warrants in the hands of perhaps a hundred persons to whom they were not issued. I countersigned the claim bonds, as Auditor. I claimed the authority to do so by virtue of the act to provide for the funding the indebtedness of the Territory, approved February 11th, 1859. I did not know any difference, and made no distinction between claim bonds or other bonds. I never went behind the bond to inquire into the nature of the indebtedness; considering it the duty of the Treasurer to look into that matter. My official duty consisted in simply receiving the bonds and countersigning them. The paper filed with me as the report of the Commissioners, was a printed copy of the report presented to the Wyandott Constitutional Convention. I thought of consulting the U. S. Attorney, but he was some fifty miles off. Did not keep his office at the seat of government. Did not know where he was at that time, and, therefore, did not consult him. I felt that I could rely upon the opinion of Gov. Shannon.

H. J. STRICKLER.

Subscribed and sworn to before me,
this 22d January, 1861.

R. GILLPATRICK,

Chairman of Committee.

STATEMENT "A."

AUDITOR'S OFFICE, LECOMPTON, K. T.,
January 18th, 1861.

To the Committee appointed by the House of Representatives upon Claim Debt:

GENTLEMEN:—To-day, at two o'clock P. M., notice was served upon me, at this office, by the Sergeant-at Arms of the House of Representatives, to appear before your Committee to-night at 7 o'clock, in the town of Lawrence. A compliance with the subpoena was altogether impossible, as it would require some time to collect the books, papers and vouchers of two years' work in an Auditor's department, independent of the reasons contained in the following letter addressed to the Chairman of your Committee.

AUDITOR'S OFFICE, LECOMPTON, K. T.,
January 18th, 1861.

Hon. Rufus Gillpatrick, Chairman of the Special Committee on Claims:

SIR—I have just received (2 o'clock P. M.) your notice to appear before the Committee on Claims, with books, papers, vouchers, &c., in my office, in relation to the claim debt. It is impossible for me to do so, as the roads are in such a condition, from the drift of the snow, that the officer informs me that, in his opinion, no vehicle can pass. I will prepare a statement of the Auditor's duties in reply to the points of inquiry embraced in your resolution, and make it as full and complete as possible; or, if desired, will attend as early as possible upon your Committee, in person, with books, papers and vouchers, upon any day your Committee may please to name. I would here take occasion to say that the duty of issuing bonds under an Act providing for the funding of the debts of the Territory, is required of the Treasurer and not the Auditor; neither is the Auditor the bank depository, and can know nothing about the basis of any banking institution in the Territory.

Very Respectfully,

H. J. STRICKLER,
Auditor.

In accordance with the above letter to your Chairman, I will endeavor to give you a full, and, I trust, a satisfactory statement of the transactions of the Auditor in the

discharge of the duties imposed by the Act to provide for the adjustment and payment of Claims, approved February 7th, 1859. There are some points of inquiry contained in the resolution raising your Committee, that I am unable to answer, for the reason that they have no connection with this office.

But, as I have said before, I will be as full and complete in my statement as possible, and to do so it may be necessary to commence with the beginning of this claim debt question, and follow it through its various stages. The Legislature of 1857 passed an Act to provide for the auditing of claims, of which the following is a copy:

AN ACT to provide for the Auditing of Claims.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Wilson Shannon is hereby appointed commissioner, whose duty it shall be to audit and certify all claims of all and every person or persons who may present the same for consideration, for all moneys actually and necessarily expended for the purpose of maintaining and carrying into effect the laws of this Territory, or for the purpose of suppressing any rebellion or insurrection, whether in sustaining the militia or any posse of the marshal, or any sheriff of any county of the Territory; and all persons who shall have furnished any provisions or other actual necessities for the militia, or for the posse of the said marshal, or any such sheriff, engaged in the sustenance, maintenance, or carrying into effect the laws of this Territory, or for the purpose of suppressing any rebellion or insurrection within this Territory, and all persons who may have sustained any loss or damage in consequence of, or growing out of the difficulties in this Territory by way of loss of property, or consequent expenses, at any time since the passage of the act to organize this Territory; and the said commissioner shall at such times as he may designate, between the date of the passage of this act and the first day of January next, hold a session for such length of time as may be necessary, at each of the following places in this Territory, to-wit: At Fort Scott, in the county of Bourbon; at Paris, in the county of Linn, at Paola, in the county of Lykins; at Osawatomie, in the county of Lykins, at Gum Spring, or at the Shawnee Manual Labor School, in the county of Johnson; at Lawrence, in the county of Douglas; at Lecompton, in the county of Douglas; at St. Bernard, in the county of Franklin; at Tecumseh, in the county of Shawnee; at Indianola, in the county of Calhoun; at Osawkee, in the county of Jefferson; at Leavenworth, in the county of Leavenworth; at Kickapoo, in the county of Leavenworth, at Atchison, in the county of Atchison; at Doniphan, in the county of Doniphan, at Palermo, in the county of Doniphan; and at Iowa Point in the county of Doniphan; having given thirty days' notice in at least three public newspapers, published in different parts of the Territory, of the times at which such sessions will be held at each of such places, and the said commissioner shall proceed to examine all such demands presented to him, and all vouchers and other proofs offered in support of such demands, and may examine any such claimant or any witness, and shall take down in writing, preserve and certify all such vouchers, statements and testimony, and cast up the amount of the account of all such claimants proven, making a true and correct statement of all such accounts, and certifying the same; and the said commissioner shall preserve such vouchers, statements and testimony, and such true and correct statements of the amount so found to be due, each claimant in duplicate, and duly certify the same; and one of such statements he shall cause to be laid before the next Congress of the United States at the first session thereof, and at as early a day as practicable, and the other he shall lay before the next Legislative Assembly of the Territory of Kansas, at the beginning of the next session thereof.

SEC. 2. The said commissioner shall, before entering on the discharge of his duties, take and subscribe an oath to support the constitution of the United States, and faithfully discharge the duties enjoined on him by this act; and he shall be allowed four dollars per day for every day he may be actually engaged in the discharge of his duties, and five cents per mile for every mile necessarily traveled in the discharge of the duties herein provided for.

SEC. 3. The said commissioner may, as often as required, employ a clerk, who shall receive the sum of three dollars per day for his services; and the said commissioner shall keep an accurate account of his expenditures for stationery, &c., necessary for the purposes herein provided, and the amount of the pay for the services and expenditures for stationery shall be audited by the proper accounting officer of the Territory, and a warrant drawn therefor on the Territorial Treasury; and there shall also be a warrant drawn in favor of any such clerk, so selected, for such sum or sums as may be due him.

SEC. 4. The sum of twelve hundred dollars is hereby appropriated out of any money not otherwise appropriated for the purpose herein mentioned, or so much thereof as may be necessary.

SEC. 5. Provisions of this act shall only apply to citizens of this Territory, and to no loss, or damage, or expenditures made by any person or citizen of any other State or Territory.

SEC. 6. All claims presented before said commissioner shall be presented by petition in writing, setting forth specifically the particulars of such claim, and such petition shall be sworn to before any officer authorized to administer oaths, and the

said commissioner herein appointed may administer oaths connected with the duties herein provided, any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

This act to take effect and be in force from and after its passage.
Approved February 23d, 1857.

AN ACT supplemental to An Act entitled "An Act to provide for the Auditing of Claims."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. If any vacancy should occur in the commissionership provided for in the above recited act, the same shall be filled by appointment by the Governor of this Territory, evidenced by certificate under the Territorial seal.

This act to take effect and be in force from and after its passage.
Approved February 23, 1857.

Upon examination of the provisions of this act, it will be found that it was made the duty of the commissioner to lay before Congress of the United States, a correct copy of the proceedings, awards and testimony, and also a copy before the Kansas Legislature. This law merely provided for the collection of the testimony without any assumption of the debt by the Territory, nor did the commissioner give to the claimants any certificate of awards or other evidence of indebtedness.

After performing the duties imposed by the Act, the Commissioner transmitted a copy of the testimony and awards to Congress, and laid before the Legislature of Kansas a copy of his report, with the list of claimants and amount of awards, a copy of which is herewith transmitted.

The Legislature took no action upon it, except to pass another law, (repealing the old one) providing for the appointment of three commissioners, under an Act to provide for the adjustment and payment of claims, to be selected as follows: one by the Governor, one by the Council, and one by the House of Representatives. They entered upon the discharge of their duties under the Act aforesaid, differing very materially from the act passed in '57. Upon examination of this Act, will be found a provision requiring the Commissioners to give to the claimant a certificate of their award. (See sec. 10, page 76, stat. 1859.) Neither does the Act of the 7th of February require the Commissioners to report their proceedings to Congress or to the Legislature, but from the Act their proceedings were final and conclusive, and the Auditor, by the eleventh section, was required, upon presentation of the certificate of award by the claimant to issue his warrant on the Treasurer of the Territory, in such sums as may be required for the amount therein named, in favor of the party to whom such award has been made, and deliver the same on *his demand*! In accordance with the foregoing provision of the law, I audited all certificates of awards presented, and issued my warrant, as Auditor, upon the Treasurer, for the same, "in favor of the party to whom the award has been made," and delivered it on his demand.

I here present in full, the two Acts, side by side—the first, an Act to provide for the payment of claims, which was pending in the Legislature, but never became a law!

Second, an Act to provide for the adjustment and payment of claims, which *became a law* the 7th of February, 1859.

Now, compare with each of the two Acts, the supplementary Act entitled "an Act to provide for the payment of claims," and every intelligent mind must come to the conclusion that the supplementary Act bears no affinity nor connection with the Act that *became a law*, but was, *in fact*, supplemental to the Act that never became a law.

AN ACT to provide for the Payment of Claims.

WHEREAS Many citizens of this Territory have sustained loss and damage in consequence of, or growing out of the political and sectional difficulties that have taken place in this Territory since its organization, and which difficulties have resulted from the action of Congress, in devolving upon the people of Kansas an experiment in self-government, without having made suitable provision for the preservation of the public peace and the protection of individual rights, and

WHEREAS, The attention of Congress has been officially called to said losses, in the hope that the just demands of the sufferers would have been recognized and liquidated, but thus far without effect. Therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That three Commissioners shall be appointed as follows: one by the Council, one by the House of Representatives, and one by the Governor of the Territory, whose duty it shall be to audit and certify all claims of all and every person or persons who may present the same for consideration, for all moneys actually and necessarily expended, or damages and losses incurred for the purpose of maintaining and carrying into effect the laws of this Territory, or for the purpose of suppressing any rebellion or insurrection, or in sustaining the lawful militia, or any posse of the marshal, or of any sheriff of any county of this Territory, when *lawfully* engaged in the maintenance and carrying into effect the laws of this Territory, or of the United States within this Territory. And said Commissioners shall, also, audit and certify the claims of all persons who may have sustained any loss or damage in consequence of or growing out of the difficulties in this Territory, by way of loss of property or consequent expenses, at any time after the passage of the Act to organize this Territory, and before the first day of January, 1857.

SEC. 2. The said commissioners shall have power to fix the times and places when and where their sessions shall be held, and may adjourn, from time to time, at their discretion. The presence of two of said Commissioners shall constitute a quorum for the transaction of business. Said Commissioners shall prescribe and publish such rules and regulations concerning the taking of proofs, as they may deem expedient. They shall have power to send for persons and papers, may preserve order, issue subpoenas, and enforce the attendance of witnesses, in the same manner and with like effect as the District Courts; *Provided*, That the parties seeking to prove up their claims shall pay officers' and witnesses fees in the same manner as required by law in suits in said District Courts.

SEC. 3. Before entering upon the discharge of their duties, said Commissioners shall respectively take and subscribe an oath to support the Constitution of the United States, and the provisions of the Act organizing the Territories of Nebraska and Kansas, and that they will faithfully discharge the duties enjoined by this Act; which said oath shall be filed with the Secretary of the Territory.

SEC. 4. It shall be lawful for said Commissioners to receive and examine as evidence, the proofs heretofore taken by the commissioners appointed under the "Act to provide for the auditing of claims," approved February 23, 1857; and they may adopt or reject the same or any of them, in whole or in part, as the very right of the case may seem to require. And, at their discretion, said Commissioners may summon the claimants under said proofs and investigate any or either of their demands, and examine witnesses for and against such claim.

SEC. 5. Said Commissioners may appoint a clerk, whose duty it shall be to keep a true and proper record of the proceedings had before the Commissioners, preserve all proofs, testimony and papers filed in relation to claims, and perform such other acts pertaining to his office, as the Commissioners may direct. He shall be allowed for his services three dollars per day, to be certified by said Commissioners.

SEC. 6. The compensation of said Commissioners shall be four dollars per day, for every day they or either of them may be actually engaged in the discharge of duties under this Act, and five cents per mile for every mile necessarily traveled in the discharge of duties herein provided for, and their actual expenditures for stationery, postage and room rent in the discharge of their official duties under this Act, shall be certified by them, and audited by the proper accounting officer of the Territory, and a warrant drawn therefor on the Territorial Treasury. And warrants shall, in like manner, be drawn for said Commissioners and their clerk, for such sums as may become due to them from time to time, for their services.

SEC. 7. The provisions of this Act shall only apply to citizens of this Territory, and to those who were citizens at the time of the losses, damages and expenditures sought to be proven. Executors and administrators shall be permitted to offer proofs in behalf of deceased persons.

SEC. 8. Authority is hereby given to said Commissioners, jointly or severally, to administer oaths connected with the duties herein provided; and any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

SEC. 9. On or before the first day of September next, said Commissioners shall close their sessions and proceedings under this Act, and make up and file, in duplicate, in the offices of the Secretary of the Territory and the Territorial Auditor, a statement of all claims presented and of the amounts awarded to the claimants, and they shall likewise file in the office of the said Secretary, all vouchers, proofs, papers and documents presented for their action or consideration. And upon the completion of proofs and the recording of the decision or award, they shall, upon demand, deliver to the claimant a certificate of any such decision or award.

SEC. 10. Upon the delivery of any such certificate of award to the Governor, it shall be his duty to execute and deliver to the owner thereof, a certificate under his hand and the seal of the Territory, and countersigned by the Secretary of the Territory, to the purport, substance and effect, as follows: "This is to certify that A. B. has proven a claim, and been duly awarded thereon the sum of ——— dollars, under the provisions of (this Act.) And the Territory of Kansas hereby promises to provide for the payment of the same, with six per cent. per annum interest, in five years from this date, unless Congress shall, before that time, make an appropriation for the payment of the claims specified in and proven under said Act."

SEC. 11. That it shall be the duty of the Constitutional Convention, hereafter to

be assembled, to make suitable provision for securing the redemption and payment of said certificates by Congress, in land or money, by incorporating, in the Ordinance to be submitted, an article or proviso to that effect, or such other provision as may be deemed advisable.

SEC. 12. This Act shall take effect immediately.

AN ACT to provide for the Payment and Adjustment of Claims.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That three Commissioners shall be appointed, as follows: One by the Legislative Council, one by the House of Representatives, and one by the Governor of the Territory, whose duty it shall be to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from November 1st, 1855, to December 1st, 1856.

SEC. 2. Said Commissioners shall have power to fix the times and places when and where their sessions shall be held, and may adjourn from time to time and from place to place, at their discretion. The presence of two of said Commissioners shall constitute a quorum for the transaction of business. Said Commissioners shall prescribe and publish such rules and regulations concerning the taking of testimony as they may deem expedient, not conflicting with the laws of the Territory. They shall have power to send for persons and papers, to preserve order, issue subpoenas, and enforce the attendance of witnesses in the same manner, and with like effect as the District Courts; *Provided*, That parties seeking to prove their claims shall pay officers' and witnesses fees in the same manner as required by law in suits in said District Court.

SEC. 3. Before entering upon the discharge of their duties, said Commissioners and their officers shall each take and subscribe an oath, before some competent officer, to support the Constitution of the United States, and the provisions of the Act organizing the Territory of Kansas, and that they will faithfully and impartially perform the duties enjoined by this Act, which shall be filed with the Secretary of the Territory.

SEC. 4. Said Commissioners may appoint one or more clerks, whose duty it shall be to keep a true and proper record of the proceedings before the Commissioners, preserve all papers and testimony filed in relation to claims, and perform such other acts pertaining to that office as the Commissioners may direct. They shall be allowed for their services four dollars per day, and ten cents for every mile necessarily traveled.

SEC. 5. The compensation of said Commissioners shall be five dollars per day, each, for every day actually engaged in the discharge of the duties imposed by this act and ten cents per mile for every mile necessarily traveled in the discharge of said duties, and their expenditures for stationery, postage and room rent shall be certified by them actual and audited by the Auditor of the Territory, and warrants drawn therefor on the Territorial Treasurer. Warrants shall, in like manner, be drawn for said Commissioners and their clerk or clerks, for such sums as may become due to them from time to time for their services.

SEC. 6. Authority is hereby given to said Commissioners to fill any vacancy that may occur in their number by death, resignation, or otherwise, and to administer oaths connected with the duties herein specified. And any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

SEC. 7. It shall be the duty of said Commissioners to receive and examine the evidence heretofore obtained by the Commissioners appointed under the "Act to provide for the auditing of Claims," approved February 23, 1857, and they may adopt or reject the same or any part thereof, as to them shall seem just and right.

SEC. 8. The provisions of this Act shall only apply to citizens of this Territory, and those who were citizens at the time of the losses, and damages sought to be proven. Executors and administrators shall be permitted to prosecute claims in behalf of deceased persons.

SEC. 9. Said Commissioners may appoint a Sergeant-at-Arms, whose duty it shall be to serve all processes issued by the Commissioners, and who shall receive the same fees and mileage as are by law allowed for like services in the District Courts of the Territory, to be paid by the claimant.

SEC. 10. Upon the completion of the testimony and the recording of the awards in each case, the Commissioners shall, upon demand of the claimant, deliver to him a certificate of such decision or award. And, on or before the first day of September, 1859, said Commissioners shall close their proceedings under this Act, and make up and file, in duplicate, in the office of the Secretary, and in the office of the Auditor of the Territory, a statement of all claims presented, and the amount, if any, allowed thereon; and they shall likewise file in the office of the Secretary of the Territory, all testimony, vouchers, papers and documents pertaining to their investigations.

SEC. 11. It shall be the duty of the Auditor of the Territory upon the delivery to him of any certificate of award given by said Commissioners, to draw his warrants on the Treasurer of the Territory in such sums as may be required, for the amount therein named, in favor of the party to whom such award has been made, or to his order, and deliver the same on demand.

SEC. 12. It shall be the duty of any Constitutional Convention hereafter to assemble, to make suitable provisions for securing the payment of said Warrant by the Federal Government, by incorporating in the ordinance, to be submitted with the Constitution formed, a provision to that effect.

SEC. 13. Nothing in this Act shall be so construed as to authorize the payment of

the warrants issued, in accordance with its provisions, before the first day of January, 1865, unless provisions shall be made for funding these warrants with the other indebtedness of the Territory, or unless Congress shall sooner make provision for their payment; but said warrants shall bear interest at the rate of six per cent. per annum.

SEC. 14. This Act shall be in force from and after its passage.
Approved February 7, 1859.

S. MEDARY.

Governor of Kansas Territory.

AN ACT Supplementary to an "An Act to provide for the payment of Claims."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the Commissioners appointed under and by virtue of the act of which this is a supplement, before entering upon their respective duties, shall enter into bonds to the Territory of Kansas in the sum of ten thousand dollars each, with good and sufficient security to be approved by some one of the Judges of the Supreme Court of said Territory, conditional upon the faithful discharge of their respective duties, and shall take and subscribe an oath before a Judge of said Court, to support the Constitution of the United States, and the Organic Act of this Territory, and to faithfully and impartially discharge their respective duties.

SEC. 2. There shall be elected on joint ballot of both branches of the Legislative Assembly, some suitable Attorney, whose duty it shall be to attend the said Commissioners, and the said Attorney shall take an oath for the faithful discharge of the duties of said office, with power to subpoena witnesses and attend to all business wherein the Territory is interested, for the purpose of securing an honest and faithful investigation of any and all claims which may be presented for trial before said Commissioners.

SEC. 3. That said Attorney so appointed shall have such sum allowed him for his services as will be provided by law.

SEC. 4. It shall be the duty of said Commissioners to make out and report, on the first Tuesday of July next, to the Constitutional Convention, the first day of its meeting at Wyandott, a complete report of their actions, which said report shall be signed by the said Commissioners and countersigned by the Attorney appointed for and on behalf of said Territory, and shall report all the claims presented before said Commissioners for allowance, also all the claims by them allowed, and all proceedings by them had upon the same, to the next annual session of the Legislature of this Territory.

SEC. 5. That the said Commissioners are hereby prohibited from issuing any Territorial scrip or bonds.

SEC. 6. That certificates issued by the Governor in pursuance of the tenth section of the act to which this is a supplemental shall not be construed as binding the Territory for the payment of said claims until the same shall be fully authorized by subsequent Legislation on the part of the Territory.

SEC. 7. This Act to be in force from and after its passage.

In my annual report to the Legislative Assembly, 1860, for the fiscal year ending December 31, 1859, I reported all the facts in relation to the claim debt. I stated the amount of awards audited, and amount of warrants issued, and the provisions of law referred to under which I acted. A special committee was appointed by the House of Representatives of the said Legislature, with the objects, purposes and powers with which your Committee is clothed. I attended on said Committee, and laid before them the following statement, which I make a part of this:

To Messrs. Wood, Dutton and Fitzpatrick, Committee of House of Representatives, &c :

GENTLEMEN.—The undersigned, Auditor of Kansas Territory, in answer to the matters of inquiry, embraced in the resolution of the House of Representatives, passed January 31, 1860, a copy of which resolution was only furnished by your Committee to me, last evening, February 16, by what authority warrants have been issued on the Treasury of this Territory, in payment of the award of the Claim Commissioners appointed by the last Territorial Legislature, respectfully refers to the following extract from his annual report, dated January 2, 1860, and submitted to the Legislature:

EXHIBIT J:

Showing the amount of certificates of awards (issued by the Claim Commissioners appointed by the last Legislature,) and amount of claim warrants issued upon the Treasurer of the Territory, in accordance with the provisions of "An Act to provide for the Adjustment and payment of Claims."

Whole amount of certificates of awards audited to date, \$349,933.63, and amount of claim warrants issued, \$349,933.63. The duties of the Auditor, in relation to the claim debt of Kansas, are specifically defined in the eleventh section of "An Act to provide for the adjustment and payment of claims," which provides: "It shall be the duty of the Auditor of the Territory, upon the delivery to him of any certificate of award given by said Commissioners, to draw his warrant on the Treasurer of the Territory, in such sums as may be required for the amount therein named, in favor of the party to whom such award has been made, or to his order, and deliver the same on demand." In accordance with that section, defining my duties, I have issued warrants upon the Treasurer, the following being a copy:

COPY OF WARRANT:

§
CLAIM DEBT OF KANSAS TERRITORY.

No. —

AUDITOR'S OFFICE,
Lecompton, Kansas.

Treasurer of the Territory of Kansas will pay to ———, or order, the sum of ——— dollars, in accordance with the provisions of an Act entitled "An Act to provide for the adjustment and payment of claims," Approved February 7, 1859.

Witness my hand and official seal at the Auditor's office, Lecompton, K. T. this — day of ———, in the year 18—.

———, Auditor.

No provision will be found in the Acts supplementary to An Act entitled "An Act to provide for the payment of claims," affecting or repealing the duties of the Auditor, as defined in section 11, chapter 21, of "An Act to provide for the adjustment and payment of claims." The supplementary Act purports to be supplementary to a different Act, (which never became a law) and it is doubtful if it can be construed in connection with the Act for the adjustment and payment of claims. But if it should be so construed, it does not change or alter the duties of the Auditor. But, however, before issuing the claim warrants, I consulted Hon. Wilson Shannon, one of the most eminent and distinguished jurists in the country, who gave me his written opinion, at length, fully sustaining the issue of warrants, in accordance with the eleventh section of the Act to provide for adjustment and payment of claims. From his known ability and long experience in public affairs, I felt no doubt as to the correctness of his construction of the law. I also have the opinion of other able lawyers, sustaining the same view. I therefore issued the warrants in accordance with the law.

The undersigned, for further explanation of his authority for issuing such warrants, submits herewith a copy of the legal opinion of Hon. Wilson Shannon, and a copy of the legal opinion signed by Messrs. Kingman, Adams and Hoogland, all of them lawyers of respectable standing, and one of them, Hon. S. A. Kingman, having been elected one of the Judges of the Supreme Court of Kansas, under the Wyandott Constitution.

OPINION OF HON. WILSON SHANNON.

To H. J. STRICKLER, Auditor of K. T.

By the 10th section of the Act of the 7th of February, '59, the Commissioners are required to issue each claimant a certificate of their award or decision; by the 11th section of the said Act the Auditor is required to draw his Warrant on the Treasurer, for the amount found each claimant, and the certificate of the Commissioners is his authority for drawing said Warrant. The Warrants should specify the Act under, and by virtue of which they are drawn; and the Treasurer would be limited in his power to pay said Warrants, by the 13th section of the Act under which they are drawn. The supplementary Act, of the 11th of Feb., '59, cannot be construed as altering or changing the duties of the Auditor, as defined by the Act of the 7th of Feb., '59; it purports to be supplementary to a different Act, and it is doubtful if it can be construed in connection with the Act of the 7th of Feb.; but, if it should be so construed, it does not change the duties of the Auditor. The 5th section of the supplementary Act prohibits the Commissioners from issuing Territorial scrip or bonds; this section does not interfere with the Act of the 7th of Feb., as that Act does not authorize the Commissioners to issue either scrip or bonds; but merely to issue certificates of their awards or decisions, upon which the Auditor issues Warrants on the Treasurer. The 6th section of the supplemental Act does not interfere with the duties of the Auditor, as defined by the Act of the 7th of Feb.; nor can this section be made to apply to the last named Act, by any legal rule of construction. The word Governor cannot be superseded by the word Commissioners, as it is the word intended by the Legislature and is in the Enrolled Bill. Where a word not intended by the Legislature is inserted in a statute by mistake, or a word necessary to make sense is omitted, in construing the Act, the proper word may be implied, but a word cannot be implied in place of a word that the Legislature intended to use and did use. There is no doubt but the Legislature intended to use the word Governor, and not the word Commissioners in the 6th section, and having used it, it cannot be stricken out and another word put in its place. The 6th section of the supplemental Act is to be left out of view in construing the Act of 7th of February. It is in fact, a nullity, as there is no Act of the Legislature to which it can apply.

I do not think that by the Act providing for the appointment of Territorial Auditor and providing the duties of his office it was the intention of the Legislature to alter, change, or in any way interfere with the duties of the Auditor, as prescribed and defined in the Act of 7th February. The first named Act defines the the gener-

al duties of the Auditor; the last named Act defines the *particular* duties of the Auditor in a *particular* or *special* case. If there is an apparent conflict, the special Act would be considered as an exception to the general law, and should be followed so far as the subject matter of the special Act is concerned.

[Signed]

WILSON SHANNON.

TECUMSEH, K. T., April 16th, 1859.

HON. H. J. STRICKLER, Auditor, &c. —*Sir* :—

Your suggestions, to our authority as Auditor under the Act "To provide for the adjustment and payment of claims," has been considered by us. We are of opinion:

I. The Act mentioned is a beneficent Act, passed by competent Legislative authority. The general rule of interpretation of such Acts, is that they are to be liberally construed and in such manner as effectually to accomplish their object.

II. The Act is for a specific purpose. In order to give it effect, its language must be complied with. The authority to draw warrants, in accordance with its provisions, is free, and the directions to do so imperative.

III. The provision made for compensation of officers, it must be inferred, was intended to be absolute, in order to give the Act force and effect. The general language and design of the Act imply all necessary appropriations.

IV. As a ministerial officer it is merely your province to comply with the terms and object of the law as you find it. The question of payment or bonding of any Warrants is for the Treasurer to determine.

Yours Respectfully,

[Signed]

SAM'L A. KINGMAN,
HENRY J. ADAMS, } Commissioners.
EDW'D HOOGLAND, }

These opinions, sustaining the same view and placing the same construction on law, coming from gentleman of acknowledged legal ability, I felt no doubt as to my duty as a ministerial officer, and performed it accordingly. If any doubts are properly entertainable as to the character and meaning of the original, and alleged supplementary Acts, the responsibility rests not upon this officer nor upon your Legislature, but upon the Legislature of 1859, who failed to distinguish the difference between the two bills then pending—one originating in the House, entitled "An Act to provide for the payment of claims," which never became a law, and the other originating in the Council, approved Feb. 7, 1859, entitled "An Act to provide for the adjustment and payment of claims," to which the sections of the supplemental Act bear no affinity or reasonable coherence. The undersigned further states that, on or about the 1st of August, 1859, one of the Claim Commissioners delivered to me a printed copy of their report, containing a tabular statement of awards, which is now in the Auditor's office at Leecompton, and a copy of which is hereunto attached.

In conclusion, I respectfully refer you to an Act to provide for the adjustment and payment of claims, Sec. 11; Chap. 21, Statutes 1859.

Respectfully, your obedient servant
H. STRICKLER, Auditor.

Lawrence, K. T., Feb., 17th, 1860.

The Committee, after a full investigation of all the facts laid before the Legislature, the proceedings had under the resolution, with the statements received from the officers and the Commissioners, a majority of said Committee reported "that no further legislation is needed on the subject; that we believe the payment of these claims by the general government would be an act of justice to the early pioneers of Kansas, who suffered during the unfortunate troubles in '55 and '56. That any action on our part, at this time, would have a tendency to discredit these claims, and prevent their payment by the general government, whilst it could do no good to the Territory. We therefore recommend the passage of the following resolution :

Resolved, That Congress be requested to appropriate the sum of five hundred thousand dollars or five hundred thousand acres of land, for the payment of the claims awarded by the Commissioners appointed under the Acts approved February 7, 1859, and February 11, 1859, for the property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in Kansas from Nov. 1st, 1855, till December 1st, 1853.

In House Journal, 1860, page 632, will be found that an Act to provide for suspending the payment and setting aside of certain warrants issued by the Auditor of the Territory of Kansas, and of certain bonds issued by the Treasurer of Kansas Territory, was up for consideration. This bill was introduced after the Special Committee on Claims had made their report, yet with the facts reported by said Committee, and after a free discussion, the House *refused* to pass the bill suspending the payment of the warrants issued by the Auditor, or the bonds issued by the Treasurer.

They also refuse to adopt a minority report of the Special Committee that affirmed that the Territorial officers and Commissioners had violated the law.

Upon page 643, House Journal 1860, will be found a preamble and resolution that was offered, asking Congress to make an appropriation, in land or money, to pay *these claims*, with amendment, providing, "That the Governor be respectfully requested to transmit a copy of the resolution, with a copy of the report of the Claim Commissioners, together with all the testimony respecting said claims, and the record of the proceedings of said Commissioners, to Congress, and that the Commissioners, Auditor and Secretary of the Territory be and are hereby authorized and directed to deliver to such person as may be appointed by the Governor, the possession of all the original testimony, books, papers and documents of said Commissioners, that the same may be taken to Washington and exhibited to Congress, and then be returned to the persons from whom they were originally received; *Provided*, That those who are interested in said claims, shall pay the expenses of said special agent." The resolution, with the amendment, passed the Legislature. An amendment to the amendment was offered, as follows: "Amend the amendment by adding thereto, as follows: And further,

Resolved, That until the general government shall have refused to indemnify the sufferers above named, the Territory will not undertake to indemnify in the premises; nor then, until the terms of such indemnity shall be provided for by future legislation on the part of the Territory.

The House refused to adopt the amendment to the amendment; showing clearly and conclusively, a disposition at least to assume the debt, without *even* waiting to see whether Congress would make any indemnification, and also without authorizing further legislation on the part of the Territory.

The office of Auditor is ministerial in its character, possessing, if any, but little discretionary powers. His duties are defined in relation to the claims for losses of property, specifically, in section 11, chap. 21, of an Act entitled "An Act to provide for the adjustment and *payment* of claims," which provides that, "upon presentation of the certificate of award, [issued to the claimant by the Commissioners, for the loss of property] the Auditor shall issue his warrant upon the Treasurer of the Territory for such sum as may be required for the amount therein named, and deliver it to the party on his demand.

COPY OF CERTIFICATE OF AWARD.

CLAIM No.—

Territory of Kansas.

AWARD No.—

This is to certify that ——— has duly proven before the Board of Commissioners, appointed under "Act to provide for the adjustment and payment of claims," approved February 7th, 1859, a claim for the loss of property, taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from Nov. 1st, 1855, to Dec. 1st, 1855, and upon the proofs and testimony presented, is awarded the sum of ——— dollars, according to the provisions of said Act.

Dated, ———, K. T., ——— 1859.

\$———.

———— } Commissioners.
———— }

Upon delivery of the certificate of award, of which the above is a blank copy, I audited the same (upon separate books kept for that purpose, and that alone; being kept distinct from all other claims or debts in my office,) and issued what is known as the claim debt warrant—a copy of said warrant given in my statement to the Special Committee last winter, and which is made a part of this.

In conclusion, I desire your Committee to understand that I do not make reference to the acts of the Legislature of '59 and also of '60, with any view to give additional strength or validity to the claim debt, but as a vindication of my own acts as an officer of the Territory.

To recapitulate:

First. The Legislature of '57 provided for the collection of the testimony, with a reference to lay the same before Congress.

Second. The Legislature of '59 repealed the law and passed another law providing "for the adjustment and payment of claims," and providing for the appointment of three Commissioners.

Third. The Commissioners entered upon their duties, issued certificates of awards, and reported their proceedings to the Wyandott Constitutional Convention; and

after a free discussion by the Convention upon the claim debt, *refused to pass* the following amendment to the ninth section, on schedule, "*Provided, That all debts of the Territory shall be assumed by the State, except such indebtedness of the Territory as may grow out of the awards of the Commissioners of Claims, appointed under the Act of the Territorial Legislature, approved February 7, 1859, which indebtedness shall not be assumed by the State, except as shall hereafter be provided by law; and no law providing for the payment of said claims, shall have any force or effect, until it shall have been first submitted to the people, at some general election, and shall have received a majority of all the votes cast;*" but, on the contrary, voted down the amendment, and struck the ninth section out, that required a two-third vote of the Legislature of the State to assume the debts (claim debt, with other debts, being considered,) of the Territory.

Fourth. The Constitutional Convention incorporated the following among other resolutions :

Resolved. That Congress be further requested to pass an Act appropriating five hundred thousand acres of land for the payment of the claims awarded to the citizens of Kansas by the Claim Commissioners appointed by the Governor and Legislature of Kansas, under an Act of the Territorial Legislature, passed Feb. 7, 1859.

Fifth. The Legislature of 1860 refused to suspend the operations of the Act for the adjustment and payment of claims.

Sixth. The Legislature refused to adopt the minority report of the Special Committee on Claims, who alleged that the Territorial officers and Claim Commissioners had transcended their duties.

Seventh. The Legislature refused to pass the amendment suspending the operations of the Act, the issue of warrants, payment of bonds, &c., until Congress should make some provision for the payment of the same.

Eighth. The Legislative Council, after having a full report of the duties and transactions of the Auditor under the Act to provide for the adjustment and payment of claims, *did pass a bill* to suspend the operations of the Act aforesaid, and did, as I am informed, *unanimously* confirm my appointment by the Governor, as Auditor of the Territory, thereby showing that, whilst they were willing to suspend the operations of this Act, they attached no blame to me, but considered that I had discharged my duty.

Very Respectfully,

H. J. STRICKLER,

Auditor.

A. J. Mead being duly sworn, deposes and says :

I was a member of the Legislative Council in 1859.

Question by Mr. Gillpatrick :—Will you state your knowledge of the matter connected with the passage of an act entitled "An Act to provide for the payment and adjustment of claims," approved February 7, 1859, and an act supplementary thereto, approved February 11, 1859?

The first intention or design to introduce a bill of the character referred to, was made known to me in the winter of 1859, during the session of the Legislature. Several parties had spoken to me as to the prospects of such a bill. I did not give my opinion directly at that time, but was invited to meet several gentlemen in the parlor of the Eldridge House to consult over the matter. I was there brought in contact with several persons who were very anxious upon the subject at the time of that meeting. Subsequently, before the bill was introduced, the question was very fully discussed. The persons present at this meeting were Henry J. Adams, O. E. Leonard, Samuel Stinson, C. K. Holliday, and others, whose names I do not recollect—perhaps a dozen in all. There was a discussion in the prospect of passing a bill. Mr. Adams advocated a bill making the Territory liable for all claims. I was opposed to it. In answer to my argument he (Adams) stated that it could not fall upon the Territory—that the general government would pay the debt. One of his arguments was

that if the Territory first assumed the debt, then the general government would assume it necessarily. This is all I knew prior to the introduction of the bill, in regard to the bill. I do not know who drew the bill, nor who introduced it. I think the first Act I saw was the one that passed. I know nothing of the history of the Act entitled "An Act to provide for the payment of claims," which did not become a law. I understood that the supplemental Act was intended as a supplement to the Act that passed. The original bill, when it came before the Council, was referred to a committee, of which I was a member—C. K. Holliday was chairman. We examined the bill carefully, both of us expressing a desire to pass such a bill if it could be done without putting the Territory in debt. We had an agreement that it would not do to report in favor of the bill at that time, but when the Council met he spoke to me and asked if I was willing that he should report the bill favorably. I told him I was not—if he reported in favor, I would against. I then asked him to drop the matter and I would study it over. On Sunday I consulted legal gentlemen of the Territory, in whose ability I had great confidence, to-wit: Abraham Barry. I told him I desired to report in favor of the bill if it could be done in safety to the Territory. I am here reminded that there must have been a House bill. He stated to me then or afterwards, after he had voted on it, that he had not examined it thoroughly. He acknowledged to me then that the position which I had taken was a correct one, to-wit: that the Act made the debt one of the Territory. The bill passed the Council, and passed the House before or afterwards—I do not recollect which. The Commissioner to be appointed by the Council was elected—H. J. Adams. I felt that something could be done to still prevent the bill becoming a law. I voted against it. I called on Gov. Medary and stated what I believed to be the effect of the bill, and consulted with him about it, and suggested that the only way to defeat it was, by he and the House refusing to appoint a Commissioner. I had several interviews with Mr. Vaughan and Clark, of Leavenworth. I tried to prevent the appointment of a Commissioner by the House, until the supplemental Act should be passed. Soon after, the supplemental Act was introduced into the House to cure the defect in the original bill. The House passed it. It was sent to the Council. I made several ineffectual efforts to have it passed in the Council. The House refused to elect a Commissioner until the supplemental Act should pass the Council, and so did the Governor. From the fact that there seemed to be no disposition by the Council to pass it, I was more vigilant about it than other bills. I had an understanding with Mr. Clark, of the House, that nothing should be done without the other knowing all about it. The bill did not pass the Council until the last night of the session, as I remember the evening it passed a motion was made by Lyman Allen to take up the supplemental bill. I recorded it. It did not appear to be put. I dispatched the Sergeant-at Arms to Mr. Clark, to ascertain if the House had elected a Commissioner. He sent word back that they had, and that the supplemental bill had been reported back to the House, and was then in the hands of the enrolling clerk. I left my seat and went to the House. He told me it was true. I went to the enrolling clerk's room, and found it there being enrolled. I went back to the Council, and Mr. Patrick told me the bill had passed the Council while I was absent. At the same time another member, Mr. Challiss, remarked, "Mead, nothing has been done about it." I then rose and made a statement of the facts as I have here stated. I think by resolution the Secretary was instructed to go to the House and inquire how the bill got there, and bring it back. He did so. The bill was then regularly passed—no comments were made. *I met the Secretary, Mr.*

Devinney, next day. I said to him—"I want to state to you what I believe to be the facts in regard to the supplemental bill last night. If it is so you need not say anything, if it is not so, deny it. You know well that you was instructed to slip that bill down to the House, knowing it had not passed." He did not say a word, but laughed. Gov. Medary objected to the bill creating a debt against the Territory. The supplemental bill was gotten up with a view to prevent the claims from being a debt against the Territory. I voted for it on the supposition that it contained provisions to that effect.

A. J. MEAD.

Subscribed and sworn to before me,
this 23d January, 1861.

R. GILLPATRICK,

Chairman of the Committee.

Carmi W. Babcock being duly sworn, deposes as follows, to-wit :

I was a member of the Council in 1859. I think the bill upon the subject of claims was drafted in the early part of the session. I am not certain whether it was a Council or House bill. At first there was considerable opposition to the bill, on the ground that it was making a debt against the Territory, and as to the appointment of Commissioners. My recollection of the passage of the bill is, that the original bill passed both bodies by a decided majority. A day or two after the bill passed, the members began to discuss the prospects of making the claims a debt upon the Territory, and for some time refused to appoint the Commissioners provided ; and it ran along for some days in this state, until near the close of the session, when the supplemental Act was introduced into the House. The substance of this bill was that the Commissioners should report to the Constitutional Convention and the Legislature before the claims became a debt upon the Territory. My recollection is that the Council were in favor of making the appointment of Commissioners as the bill stood. The House and the Governor refused to act. Near the close of the session the House passed the supplemental bill—as I think, on the last night. The members of the House stated to the Council, that if they passed the supplemental bill, they would then proceed with the election. The bill was sent up from the House, and the Council passed it. I do not remember of any amendments. The appointments were then made. Council appointed Mr. Adams. I understood the supplemental bill to be introduced to prevent these claims from being a debt against the Territory. The parties who lost the most were the most active in getting up these bills. I have no knowledge of any means used to procure the issuing of warrants upon the treasury, nor of bonds upon those warrants. I have heard the rumor that means were used to procure the issuing of bonds, but cannot give the names of any persons who told me to. I do not know the names of any persons who did communicate any facts concerning the deposit of bonds for banking purposes. I have seen notices that Mr. Morrow was President, and Mr. Smith Cashier of the Lawrence Bank. I do not know which act was first introduced, the act that passed or the one that did not. The supplemental act was intended to apply to the act that passed, and was gotten up afterwards. I heard, after the passage of the supplemental act, that its phraseology was so arranged, by design, as to defeat the objects of the bill. I heard this after the adjournment of the Legislature. My impression is that it was not members of the Legislature, but outside parties who were interested, who told me so. I do not think the funding act of February 11, 1859, was

gotten up for the purpose of funding claim warrants ; at least I do not think such was the intention of the majority who passed it.

C. W. BABCOCK.

Subscribed and sworn to before me, }
this 22d January, 1861.

R. GILLPATRICK,

Chairman of the Committee.

Norman Allen being duly sworn, deposes and says :

I was here present during the session of the Legislature of 1859, and drew up, about the commencement of the session, an act to provide for funding the indebtedness of the Territory, approved February 11, 1859. I drew it up in my room, and was guided by a California statute. I was not a member. I showed it to a majority of both Houses and they generally approved of it. I got some one to introduce it. I watched the bill pretty closely during its passage. As I had done the public printing the session before, and the Secretary refused to pay a good part of my bill, I was interested in getting the bill passed, so as to use the bonds in the East. At the time the bill was drawn, the claim bill was not in existence. The funding of the claims never entered into my consideration in getting up the bill. The claim bill and the funding bill never had any connection during their passage. I knew it was the object of many members to so pass the claim bill as not to make the claims a debt against the Territory. I got only a small portion of my scrip bonded, as, before I was aware of it, the whole amount authorized by the funding act was swallowed up chiefly by claim bonds. This was unexpected to me, as I expected the provisions of that act would be confined to the regular debt of the Territory, which as I supposed would not exceed \$50,000 or 60,000. I remember that I put in the bill the provision authorizing bonds to be issued for indebtedness that may accrue after the passage of the bill. My object was to provide for the expenses of clerk hire of the session of 1859. It was not my intention to make any provision for funding any claim which might be audited under the claim act of that session. The claim act was drawn up by Mr. Adams, of Leavenworth. The bill drawn by him did not contemplate that these claims should be a debt against the Territory, at least I so understood it. I did not get all my scrip until 1860, and then I ascertained that the amount in the funding act had been exhausted. I have seen bonds issued under the act, with words written across its face to the effect that, as I inferred, that they were for claims under the claim act. This is the only one I ever saw. I do not know whether the bill drawn by Mr. Adams ever became a law or not. I qualify my statement as to the bond in my possession, by saying that there was nothing written across the face of the bond in red ink, and that there was something in the bond that led me to believe that it was issued for scrip under the claim act.

NORMAN ALLEN.

Subscribed and sworn to before me, }
this 24th January, 1861.

R. GILLPATRICK,

Chairman of the Committee.

Samuel A. Medary being duly sworn, deposes and says :

I was in Lawrence during the Legislative session of 1859 ; was Private Secretary to the Governor. I was present when the supplemental act was approved. It is my opinion that both the original and supplemental act

were approved the same day. My reason for thinking so is that Gov. Medary frequently stated that he would not sign the original bill unless some additional act should be passed which would prevent the claim from becoming a charge against the Territory. But if an act of that character was passed protecting the Territory, he would approve the measure; and I think he declined to sign the original bill until the supplemental act was passed. This is my recollection at this late day. If I am not mistaken I think it will be found that the number of the original bill was reported to the House with the supplemental act. It may be that my impression originated from the fact of the Governor stating that if the House refused to appoint a Commissioner he would do the same, and defeat the action of the bill. He frequently stated that if the House appointed he would do so also, as there would be no object then refusing, there being in that event a quorum. It was the intention of the Governor that no Act should pass with his approval that would saddle these claims as a debt upon the Territory. His action shows that prior to the passage of a supplementary act, the original draft of one purporting to relieve the Territory from the debt was read to Gov. Medary, which he approved. Some time after the passage of the supplemental Act, how long after, or in what connection, I do not remember, Gov. Medary stated to me that it was doubtful whether the supplemental Act would accomplish what it was intended to, and that from his reading of it, it did not sound to him like the original draft that was shown to him. It was signed by him when there was some three hundred pages of manuscript bills to glance over, not having time to examine them except by their letter. Gov. Medary was of the opinion that some error had been made, as he thought, in the writing of the bill. He said that if the Legislature had passed the original draft as read to him, somebody had hold of it. I do not think the Gov.'s attention was ever called specially to the provisions of the funding Act. I am now satisfied with my recollection as to the original and supplemental Acts, from the fact that Mr. Hoogland frequently importuned the Governor for an appointment as Commissioner. Mr. Hoogland was strongly recommended. My impression is that Gov. Medary's attention was first called to the discrepancy between the Act that passed and the one shown him, when a question arose as to the duties of the officers under it. The first time I heard of such a discrepancy was when some one raised the question as to whether Gen. Strickler was authorized to countersign the Bonds. My knowledge came from common talk in Le-compton. I put the Territorial seal to these Bonds, as Private Secretary to the Governor, but not by any special direction from the Governor. Mr. Walsh and myself used the seal indiscriminately. He used the seal to attach to such certificates as he got paid for as Secretary. I attached the seal to commissions and such other instruments as properly pertained to the Executive office. I know that Gov. Medary stated, that so far as he was concerned, under the law, he had no discretion. He took the ground that none of the officers had any discretion; that their duties were defined under these Acts, and his opinion did not conflict with those afterwards given by the most prominent legal gentlemen in the Territory. Secretary Walsh thought different, and stated that he would resort to legal proceedings to test the validity of the doings of the officers under the Acts. Gov. Medary delayed several weeks for Mr. Walsh to act as he proposed, or threatened. He failing to act, and no person else seeming to doubt the propriety of the acts of the officers under the laws, further delay seemed to be unnecessary, and the Governor signed the Bonds. Mr. D. H. Weir had some of these Bonds, also R. S. Stevens and myself,

and received Bonds from Col. Eldridge, in the Treasurer's office, upon which to place the seal. The Bonds I had were payable one to S. W. Eldridge, and one to M. Armstrong. The amount of Bonds I had was 1500 dollars, as my fees for putting on the seal, in place of a dollar apiece in money, which was the price, for less than which Mr. Walsh, as Secretary, declined to attach the seal to those Bonds. At the time I did not know the difference between a claim Bond or any other Bonds, and don't know that I could distinguish them now by the face of them, although I have heard there was a difference. One dollar was the usual cash fee for attaching the seal to any paper.

[The following testimony was taken after the Report made on 25th January.]

S. A. Medary, being recalled as a witness, refused to further testify.
R. GILLPATRICK, Chairman.

William McKay, being duly sworn, deposes and saith :

I was in Lawrence at the time of the passage of the Bill in relation to the auditing of the claims of the citizens of Kansas, dated February 7th, 1859, and the supplement thereto, dated Feb. 11, 1859. My understanding from several members at the time of the passage of the supplemental Bill was that the object was to prevent any debt being incurred by the Territory until further or subsequent legislation by the Territory. I was elected by the Legislature under the provisions of the supplemental Act, as Attorney for the Territory, and was so recognized by the Commissioners appointed under the Act of February 7th, 1859. I was informed by the Commissioners that they had given bonds and filed their affidavits as required by the supplemental Act, and I know that said Commissioners, and myself, made a report of our doings to the Constitutional Convention at Wyandott, as provided by the said supplemental Act. I did not, at any time, understand from the Commissioners that they did not regard the said supplemental Act as being binding upon them. At the meeting of the Commissioners at Tecumseh some time in the latter part of April, 1859, I was present at the commencement of their session and remained with them several days; during this time Col. Eldridge and Gov. Robinson came to Tecumseh. I did not know their business, but from the rumors that had reached me, through some newspapers, I supposed that they were there for the purpose of procuring certificates for their awards allowed them by the Commissioners. I, at that time, requested the Commissioners to delay issuing any certificates until they had got through with all the awards. Judge Hoogland replied that it was their duty to issue certificates as fast as they made the awards, and that they would do so. About this time I received, for the first, an intimation that the Auditor of the Territory was going to issue warrants on the Territorial Treasury, for claims allowed by the Commissioners. I immediately thereafter went in pursuit of that officer to ascertain the truth of the report. When I found him, we went into a private room, and there had a long conversation upon the subject, and I tried to convince him, from the law, that he ought not to issue any warrants upon the claims allowed by the Commissioners, as the supplemental Act expressly prohibited the doing of any thing, by any officer, that would bind the Territory, until further legislation upon the subject, and his reply was that he had Gov. Shannon's written opinion upon the subject, and that was, that it was his duty to issue the warrants, and that he should do so. I do not

recollect, nor do I think that he said, at that time, that he had the opinion of any other Attorney upon the subject. In this conversation with Gen. Strickler, he spoke of the delicacy of the position, and said, that if he refused they (the claimants,) would sue out a writ of mandamus and compel him to issue the warrants. I advised him to let them do it, and then we would be able to test the matter, and that in that case we would be blameless; he, however, seemed to have his mind made up to issue the warrants. After finding that I could do nothing with the Auditor, I left him and went in pursuit of Gov. Medary. I did not at any time agree to meet the Auditor at Lecompton, or at any other place, after that time. I did, however, request him to delay the issuing of warrants, until I would have an opportunity to have an injunction issued, he remarked that he would be glad that I would do so, but did not say that he would delay. The next day after the above interview between Gen. Strickler and myself at Tecumseh, I called upon Gov. Medary, at Lecompton, and had a private interview with him upon the subject of the Auditor issuing warrants upon the awards made by the Commissioners. I related to him my interview with Gen. Strickler, and the Governor remarked that it would never do for the Auditor to issue warrants; that the people would repudiate any thing of the kind; that they never would consent to pay those claims. I agreed with the Governor, and he then promised me that he would do all in his power to prevent it, and also promised that he would see Gen. Strickler in a few days and have the matter headed off; he also promised me that before any thing was done, that he would send me word to Wyandott, (where I resided,) and that I might rest assured of his co-operation with me in the matter, as we held the same opinion in relation to the legality of the supplemental Act, and of the injustice of the debt being put upon the Territory. After I had this interview with the Governor, I went to Wyandott expecting every day to hear from him, but I was disappointed, never having heard a word from him from that day upon the subject. Soon after my return home, I think some five or six days, I received the *Lawrence Republican*, in which it was stated that Col. Eldridge, Gov. Robinson, and perhaps some others, had their claims bonded, and that Gov. Medary had gone to Ohio. When I found the statement of the *Republican* to be correct, I concluded to let the Territorial officers take their own way; having no influence with the Auditor, and having been deceived by the Governor, I came to the conclusion that it was best to let the people say whether they would pay those claims or repudiate. My labors with the Commissioners ceased at the time of making the report to the Convention at Wyandott.

WILLIAM McKAY.

Sworn and subscribed to, before me,
this 31st day of January, 1861.

R. GILLPATRICK,
Chairman.

A LIST OF THE CLAIMS AND AWARDS, WITH No. OF EACH, AND THE DATE OF ALLOWANCE OF CLAIMS, AND THE ISSUANCE OF WARRANTS REMAINING UNBONDED, AND TO WHOM ISSUED, SINCE THE MEETING OF THE WYANDOTT CONSTITUTIONAL CONVENTION, FROM THE BOOKS OF THE AUDITOR, 22d JAN., 1861.

<i>Date of Allowance of Claim.</i>	<i>To Whom.</i>	<i>Amount.</i>	<i>No of Claim.</i>	<i>No of Award.</i>	<i>Date of Issuance of Award.</i>
1859.					
July 18,	Alex. A. Davis,	\$287 50	450	410	Nov. 1, '59.
"	W. H. Cofier,	149.50	458	412	"
"	D. W. Low,	304.88	422	396	"
"	Ben. Underwood,	172.50	457	411	"
Aug. 31,	Abels & Kohn,	1538.85	485	439	"
July 18,	C. F. Brown,	57.50	420	394	"
"	J. C. W. Davis,	184.00	425	495	"
July 11,	J. C. Wilson,	174.75	282	179	July 15, "
"	H. W. Martin,	398.50	283	178	"
July 13,	S. Geer,	8280.00	319-320	190	"
"	R. Randall,	534.40	278	200	"
"	J. G. Holbrook,	1167.40	266	189	"
"	C. Tator,	438.55	323	192	"
"	O. C. Brown,	392.50	286	191	"
" 11	J. R. Wiseman,	270.25	284	177	" 21, "
"	R. McCamish,	8057.00	431	172	"
"	T. L. McKinney,	143.75	281	180	"
"	C. H. Withington,	1664.00	280	181	"
"	S. H. Davis,	1319.00	441	166	"
" 18,	S. Gilbert,	920.00	347	336	"
"	J. Legard,	431.00	443	404	"
" 11,	J. C. Evans,	2133.00	429	174	"
"	P. Skinner,	6210.00	446	163	"
" 16,	P. Molky,	500.00	156	250	"
"	O. H. Brown,	1045.00	185	255	"
" 15,	Baker & Street,	932.70	18	205	"
" 11,	P. H. Thomas,	339.25	276	182	"
" 15,	J. Shobel,	2300.00	131	209	"
"	W. W. Delahay,	8050.00	10	187	"
" 16,	G. W. Hunt,	350.00	214	257	"
" 18,	D. C. Buffum, adm.,	558.90	369	355	"
" 15,	M. Hartman,	681.00	58	213	"
Aug. 30,	H. D. Oden,	355.35	464	420	Sept. 1, "
"	R. Pence,	287.50	465	421	"
July 11,	H. S. Randall,	1302.50	432	171	"
"	D. Burton,	862.50	438	168	"
" 16,	T. R. Heard,	161.00	235	211	"
"	A. B. Wade,	1098.00	198	254	"
" 11,	T. LaHay,	1564.00	433	170	"
"	J. Campbell,	1321.25	434	169	"
" 16,	S. F. Tappan,	360.00	255	268	"
" 18,	P. J. Wilson,	155.25	367	354	"
"	C. W. Smith,	212.75	372	357	"

<i>Date of Allotment of Claim.</i>	<i>To Whom.</i>	<i>Amount.</i>	<i>No. of Claim.</i>	<i>No. of Award</i>	<i>Date of Issuance of Award.</i>
Aug. 31,	L. S. Hall,	1010,00	57	60	Sept. 1, '59.
" 30,	D. Metney,	143,75	480	432	"
"	J. King Randall,	310,50	472	425	"
"	B. J. Fulton,	473 00	473 1/2	425 1/2	"
July 11,	W. M. Nace,	621,50	428	175	"
"	W. J. Card,	289,80	427	176	"
" 18,	G. Dudley,	165,60	442	403	"
"	T. L. Day,	621,00	335	325	"
"	R. Cutler,	552,00	330	321	"
"	M. E. Clark,	2021 00	377	362	"
"	H. M. Moore,	730,25	378	362	"
"	J. Cummings,	230 00	398	380	"
" 15,	S. E. Hoyt,	610 00	1	184	"
" 16,	M. Nybytowingsz,	273,60	124	232	"
Aug. 31,	F. S. hulter,	600,00	482	435	"
"	J. P. Wood,	5018,30	436	437	"
"	N. McCracken,	4734 37	481	437	"
" 30,	G. W. Wade,	1569,75	476	428	"
July 16,	A. Kelser,	381,80	145	242	"
" 13,	M. Hummer,	333 50	447	199	"
" 18,	J. R. Perkins,	557,50	459	413	"
" 16,	A. Ruth, adm.,	74,75	113	125	"
" 18,	Allen & Cornwell,	74,65	437	402	"
"	Allen & Jordon,	92,00	426	400	"
Aug. 30,	S. Conn,	69,00	474	426	"
"	S. L. McKinney, adm.	7523 40	470	423	"
" 31,	Blood & Hutchinson,	345 00	485	434	"
July 15,	G. Wetherett,	2199,20	12	206	"
" 16,	A. Jefferies,	567,50	123	231	"
"	D. Smith,	630,00	134	236	"
" 18,	J. Cody, adm.,	368,00	393	376	"
"	J. Corman,	98,17	362	349	"
" 16,	J. Elliott,	345 00	138	238	"
"	T. Sattler,	276 00	140	240	"
"	G. H. Keller,	2000 00	109	223	"
"	J. E. Grant,	212,75	146	244	"
" 18,	D. C. Piquet,	1035 00	360	347	"
" 16,	J. T. Sparks,	143,75	137	237	"
Aug. 31,	G. Rough,	800 00	469	436	"
July 11,	A. Bower,	681,05	440	169	"
"	H. G. Jones,	851,00	445	164	"
" 13,	C. A. Foster,	198,00	298	193	"
" 16,	M. & S. Francis,	1259,25	129	234	"
"	T. J. Abshire,	1369,35	132	255	"
"	A. Justice,	287 50	119	228	"
"	U. G. Johnson,	333 50	285	185	"
"	C. L. Edwards,	335,00	232	200	"
" 18,	Wyan't M. E. Church,	3500,00	463	417	"
"	J. J. James,	102 60	341	331	"
"	W. Knight, adm.,	126 50	342	332	"
"	W. T. Stuf,	200,00	460	414	"
"	J. W. Farnsworth,	841,55	425	499	"
" 11,	J. Parsons,	115,00	430	173	Dec. 1, "

<i>Date of Allorance of Claim.</i>	<i>To Whom</i>	<i>Amount.</i>	<i>No of Claim</i>	<i>No of Award.</i>	<i>Date of Issuance of Award</i>
July 11.	J. D Jones,	500,00.	169	183	Dec. 1, '99.
" 15,	D. Bouton,	954,50	15	204	"
"	W. C. Bridges,	442,75	14	203	"
"	W. McKinney,	200 00	60	214	"
" 18,	B. Jewett,	79,70	402	383	"
"	J. Hurd,	382,00	448	405	"
"	A. Beason,	1095,95	392	374	"
"	W. Stow,	1456,00	393	375	"
"	J. Curry,	120,75	389	371	"
"	W. Jones,	97,75	373	358	"
" 16,	A. W. Wheden,	460,00	100	220	"
Aug. 30,	H. Ward,	398,50	411	424	"
" 31,	W. Rosenfield,	172,50	484	438	"
Nov. 23,	A. Draskowsky,	5106,74	122	441	"
"	M. Perysbylowizk,	228,47	124	442	"
"	Thos. Fahey,	1840,00	114	440	"
July 15,	F. Whipple,	1690,90	13	188	"
" 16,	H. G. Whillory,	316,25	155	249	"
"	H Updegraff,	713,00	292	292	"
" 18,	J. Wright,	327,75	418	393	Dec. 1, "
" 16,	T. D Witham, adm.,	1035,00	300	297	Jan. 1, '60.
"	F. E Englesman,	3537,86	142	241	"
"	J Rice,	431,25	287	273	"
" 18,	S. Fry,	575,00	374	359	"
" 16,	J. Anderson,	500,00	199	255	Aug. 21, "
" 15,	J. Moorhead,	503,70	97	218	"
" 16,	S. Sutherland, adm.,	926,09	106	221	"
"	L B. Dennis,	391,00	39	210	"
" 18,	R. H Brown,	460,00	380	364	"
" 16,	M. Glenn,	201,25	107	222	"
"	B. C. Dennis,	86,25	192	253	"
" 15,	T. Wells,	300 00	98	219	"
"	H. B. Davis,	9,10	84	216	"
"	N. C. Tooley,	488,75	90	217	"
"	R. D. Nichols,	47,50	50	211	"
"	S Patterson,	525,00	23	207	"
"	C H Lovejoy,	74,75	32	208	"
" 18,	W. W. Mun,	860,00	376	361	"
Sept. 1,	S J. Anthony,	1573,20	487	444	"
Kingman refused to sign certificates of award, March 16, 1860.					
July 16,	J. Stobs,	97,75	297	296	"
"	M. Cronkhite,	184,00	287	286	"
" 16,	A D. Alderman,	270,00	299	194	"
Aug 30,	R. M. Ainsmith,	977,00	468	418	"
July 16,	J. Willets,	257 00	184	251	"
" 18,	L D Lawrence,	488,75	263	350	"
" 16,	J. H. Utt,	103,00	152	246	Sept. 4, "
"	C Dorland,	385,00	153	247	"
Aug 30,	G. F. Earle,	197,86	208	419	"

\$138,049,04

OPINION OF WILLIAM WEIR, ESQ.

LAWRENCE, KANSAS, January 25th, 1861.

HON. RUFUS GILLPATRICK, Chairman of the Committee:

Having been requested by the Committee, of which you are Chairman, to give my opinion as to the legality of the issuance of warrants under an Act entitled "An Act to provide for the adjustment and payment of claims," approved February 7, 1859, and of certain Bonds, under an Act entitled "An Act to provide for funding the indebtedness of the Territory," approved Feb. 11, 1859, I herewith submit the following.

Respectfully, your ob't serv't,

WM. WEIR.

All of the acts upon the subject of claims for losses incurred in consequence of the difficulties in the Territory, must be taken and construed together. There is no better settled rule of construction than the one, that Acts, *in pari materia*, shall be examined together. The fundamental principle of the law of the construction of statutes is, that the *intention* of the law makers shall be ascertained. When the words of a statute are so plain that no difference of opinion can arise as to their meaning, a resort to the rules of construction is unnecessary. But when an ambiguity appears, then these rules, established and matured by the wisdom and learning of ages, must be our guide. Among them is the one already mentioned, that, in order to understand the intention of the Legislature, all acts passed by them, upon a given subject, must be construed together. As the scope and object of construction is to ascertain the intention, this rule will facilitate an arrival at a proper conclusion in the present instance.

By an inspection of the statutes of this Territory, it will be seen that the Legislature began legislation upon the subject of these claims, as early as 1857. On the 23d of February of that year, they passed an Act entitled "An Act to provide for the auditing of claims." By its provisions, a person was appointed to ascertain what losses had been incurred, and he was required to lay before Congress a statement thereof. We find, then, that at the very inception of an attempt, upon the part of the Legislature, to pay these losses, they were looking towards Congress as the party to meet them. The question must occur to every mind, why should the Legislature trouble Congress with a list of our losses, unless it expected Congress to pay them. But one answer can be made to this question, to wit: that the Legislature regarded the lives and property of our citizens as under the protection of the Federal Government, that is, protection had been so illy exercised as to produce a large amount of loss; and therefore, the Legislature demanded of Congress immunity for this failure upon the part of the Federal Government to discharge its duty. The Legislature certainly never intended to perpetrate a mere piece of folly in presenting to Congress a dreary detail of the calamities that had befallen our people. They meant some thing practical, and that was *indemnity*. I then assume that, at the very inception of a desire to remunerate the sufferers during the difficulties in our Territory, the eyes of the Legislature were turned toward Congress. Whether this was wise or unwise, legal or illegal, is not for any one now to determine. We are simply seeking for *intention*, without being responsible for its character. Such, then, was the spirit of the law of 1857. In 1859 further legislation occurred. An Act was passed February 7, 1859, authorizing the appointment of a Commission to ascertain the extent of these same losses. It was entitled "An Act to provide for the adjustment and payment of Claims." In that Act, the Commissioners are required to receive and examine the evidence obtained by the Commissioner appointed under the Act of 1857. Section 7, page 75, Laws 1859. Not only this, but it will be found that the Act of 1859, copies *verbatim* some of the provisions of the Act of 1857. I say *copies*, because the similarity of the language is of such a character, as to entirely destroy any presumption that it could be the result of mere accident. In support of this position, it will only

be necessary to refer to that part of section 6th of the Act of 1857, and section 6th of the Act of 1859, which relates to false swearing; and also that portion of both Acts which confines the examination to citizens of the Territory. This fact is only alluded to for the purpose of showing that, notwithstanding the discordant views between the Legislature of 1857, and that of 1859, on political question; yet, that the latter *had* regard to the actions of the former upon this subject. By section 10 of the Act of 1859, the Commissioners were required to deliver to the claimant his certificate of award; and, by section 11, the Auditor was required, upon the delivery to him of such certificate, to give to such claimant a warrant upon the Treasury. Section 12 provided that the Constitutional Convention, shortly to assemble, should make suitable provisions for the payment of these warrants by the Federal Government, and directed how it should be done. This was only carrying out to a practical extent the spirit and provisions of the Act of 1857. *There*, the Commissioner was simply required to report to Congress: *Here*, however, the Convention is instructed to provide for the payment by the Federal Government in express terms; thus showing that the intention to make these losses a debt against the United States, continued into the legislation of 1859. Section 13 of the same Act provided that these warrants should not be paid before 1865, unless subsequent provisions should be made for funding them as indebtedness of the Territory, or unless Congress sooner provided for their payment. This provision establishes, completely, the intention of the Legislature, to wit: that these warrants should *not* become a charge against the Territory, but that Congress should pay them. The Legislature fixed the period of 1865 as the time within which it was supposed Congress would act, and act favorably. Their expectation was that Congress would either provide for their payment direct, or that it would deposit money in the Territorial Treasury for that purpose. In either event, the intention of the Legislature would be carried out. Warrants were to be drawn upon the Treasury, but the fund to pay them was to be first placed *in* the Treasury by Congress, nor were they, in that event, to be paid until 1865, unless they were funded or provided for sooner by Congress direct. This explains the meaning of that part of the law which authorized the warrants to be drawn upon the Treasury. It cannot be contended that the Legislature intended to make them a charge upon the Territory, when they were providing for their being paid by Congress. We are bound, by every rule of sound construction, to reconcile apparently conflicting provisions of a statute. The only mode by which this can be accomplished, is to understand the intention of the Legislature to have been, that Congress should either pay these claims direct, or should put money into the Territorial Treasury for that purpose; in which event, these warrants would have been payable. These views are confirmed by another Act upon the same subject, approved February 11, 1859. The objection to it, chiefly urged, is that it purports in its title to be supplemental to an Act that never passed. In my opinion, this amounts to nothing. The body of an Act is not controlled by its title. Even in the British Parliament, where an act is seldom passed without a preamble, it has never been held that the preamble controlled the Act. Many Courts even have refused to resort to the preamble for the purposes of construction. And so well is this rule understood, that many of our State Constitutions provide that no Act shall be valid unless the character of it shall be described in the title. We have no such binding provisions here. Consequently, in construing a statute, the title to the same, by no means, enters into such construction.

The Act referred to, professing to be a supplemental Act, beyond doubt, demonstrates the existence of an intention upon the part of the Legislature to prevent these claims from being a charge upon the Territory. Section 5 of that Act prohibits the Commissioners from issuing any Territorial Scrip or Bonds. Why was this provision inserted there, unless the Legislature intended to prevent the claims from being a Territorial debt. Taken in connection with the provisions of the previous Act, this provident care, upon the part of the Legislature to protect the Territory against an extravagant debt, ought to satisfy any reasonable mind that the whole legislation of the country was directed to the end of imposing this debt upon the United States, and not upon the Territory. Section 6, of the same Act, declares that the certificate of award shall not be construed as binding the Territory for the payment of these claims

unless the same should be authorized by subsequent legislation. This provision is what is known to the legal profession as a legislative construction of a statute, and in accordance with the fixed rules of interpretation, should carry with it great weight. The authority of such a construction is enhanced by the fact that it was made by the same Legislature which passed the original claim Act.

It is true that the force of this construction is sought to be impaired by a hypercritical criticism on the word "Governor," which occurs in section 6, above alluded to. An Act has been dug from the grave of defunct bills, for the purpose of showing that one such was pending, in which the "Governor" was authorized to issue these certificates, and upon this fact the monstrous legal absurdity has been declared, that the supplemental Act was supplemental to a bill that never became a law; and, therefore, such supplement is no law. The simple answer to this heresy, in the rules of construction, is, that the *intention* of the Legislature must be ascertained and carried out; that such intention shall not be defeated by the use of a wrong word; but that, where the intention is apparent, even the Courts will give effect to it by altering, expunging, or supplying words. The books are full of such decisions, by the highest Courts, both in England and America, where this rule has been practically enforced. The word "may," has been construed "shall;" the word "or," to be "and," and *vice versa*. So numerous are these cases, and the principle of them so well established, that it is surprising that an attempt should be made to defeat the will of a Legislature, because of the use of an unfortunate word, when that *will* is manifest in every act upon the subject, and should, therefore, by every sound rule of interpretation, be carried out, even if it were necessary to supply such word by the use of one more proper. Clearly, then, the Legislature of 1859 intended to prevent these claims from being a charge upon the Territory, unless such was authorized by subsequent legislation. Section 6 of the supplemental Act was designed to, and does construe, explain and even modify the language of section 11 of the original Act. If, by the latter, it could have been contended that the Auditor was authorized to draw warrants upon the treasury so as to make them either as a present or prospective debt, that inference is completely destroyed by section 6 of the supplemental Act, which declares that the certificate of award shall *not* be binding upon the Territory. It was then the duty of the Auditor, if he should issue warrants, so to word them as to state and show that the same should not bind the Territory until subsequent legislation authorized it. As the duty imposed upon the Auditor of issuing these warrants was not expressly taken away by the supplemental Act, yet that officer might have found in such Act enough to satisfy him that these warrants were not intended to be a present charge upon the Territory. If he had so worded the warrants as to show this fact, then they would have contained everything necessary to express the will of the Legislature, which every executive officer is bound to carry out. The mistake committed is that of confining the search for the duties of the Auditor to the original act, and disregarding a supplemental Act, upon the ground of certain verbal inaccuracies. For the purpose of fortifying the views above expressed by me as to the error there perpetrated, I refer the Committee to the following high authorities: "In construing statutes, an interpretation must never be adopted that will defeat its own purpose, if it will admit of any other reasonable construction"—*The Emily & Caroline*, 9 *Wharton* 381. "In construing a statute, the intention of the makers is to govern, although such construction may seem contrary to the letter of the statute."—*Jackson vs. Collins*, 3 *Cowling*, 89, *Ruddick vs. Governor*, 1 *Mo.* 147; *Wilkinson vs. Leland*, 2 *Peters*, 662. "In giving a construction to any statute, the Court must consider its policy, and give it such interpretation as may appear best calculated to advance its object, by effectuating the designs of the Legislature."—*Allen vs. Parrish*, 3 *Hammond*, 198. Many more authorities might be cited to the same effect, these, however, are sufficient to show that we are first to ascertain the intention of the Legislature, and in doing so, if necessary, we must disregard the letter of the statute. As then, in my opinion, the issuance of these warrants, wording them so as to be unconditional drafts upon the treasury, was a mistaken departure from the law—the bonds subsequently issued upon them by the Treasurer would necessarily be illegal. These bonds were issued under the Act approved February 11, 1859, entitled "An Act to provide for funding the indebtedness of the Territory." By a reference to the provisions of this Act, further evi-

dence is afforded: that the Legislature did not intend to make these claims a debt against the Territory. They had before them the report of the Commissioner auditing these claims, under the Act of 1857, which was recognized by the Act of 1859. The amount of these claims reached the sum of several hundred thousand dollars, yet we find, by the Funding Act, that provision was only made for one hundred thousand dollars. If the Legislature intended to make these claims fundable under the Act, would they have limited the sum to one hundred thousand dollars, when they knew the amount to be far greater? Can it be supposed for a moment that they intended to confine the benefit of the Funding Act to a portion of the claimants, and leave others, equally meritorious, unprovided for? To answer aye, would be to impute to the Legislature an intention to oppressively discriminate against the great body of sufferers whose losses they were endeavoring to have indemnified, thus involving, not only a contradiction upon their part, but a degree of moral turpitude, the idea of which should not be entertained for a moment. Beside, in view of the contemporaneous Legislation of that session, to which reference has already been made, the warrants issued under the claim act should not have been funded unless special provision had been made for them. Such was not done, but it was assumed that they were debts against the Territory, and bonds issued accordingly. This position, as I respectfully conceive, was against, not only the spirit, but the letter of the Acts upon this subject.

I am, therefore, of the opinion that neither the warrants issued upon the certificates of awards, nor the bonds based upon the warrants, have been authorized by any law, and that they are, accordingly, wholly invalid and illegal, and illegal as a debt as against the Territory; but they are, in accordance with the laws under which they were issued, simple settlements of amounts which Congress is expected to, and ought, in justice, to pay.

WM. WEIR.

The following witnesses were duly subpoenaed, but failed to attend: Edward Hoogland, 22d Jan., 1861; Saml. A. Kingman, 24th Jan., 1861, and A. Smith Devinney, 24th Jan., 1861.

MONDAY, Jan. 30th, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Absentees—Messrs. Anderson, Bailey, Bowker, Burris, Cowles, Deitzler, Fairchild, Gilpatrick, Humber, Lakin, Miller, McCook, Perry, Reynolds, Roberts, Simpson, Williams.

Prayer by the Rev. Mr. Reynolds.

Journal of yesterday read, corrected and approved.

Mr. Roberts offered the following resolution, which was adopted:

Resolved, That the Speaker be and is hereby authorized to appoint such Assistant Clerks, for the House, as he may deem necessary and proper ; and all such Assistant Clerks, so appointed, shall receive the same, per diem, as provided for extra officers of the House, and shall be paid in the same manner.

Mr. Greer presented the petition of M. B. Huss, and others, praying for change in Shawnee county lines.

Referred to Committee on Counties and County Lines.

Mr. Simpson presented the petition of Israel Christie, and 60 others, for the repeal of an Act regulating the running at large of swine.

Referred to Committee on Judiciary.

Mr. Hanway presented the petition of B. C. Sanford, and 226 others, praying for a vote on county seat of Franklin county.

Referred to Committee on Counties and County Lines.

Mr. Burris, Chairman of Judiciary Committee, offered the following reports :

MR. SPEAKER :—The Committee on Judiciary have had under consideration the petition of Hannah Thomas, for divorce, and would beg leave to report that the members of the Committee have not the honor of an acquaintance with the fair petitioner, nor with the circumstances with which she may be surrounded, we therefore, for want of evidence, report adversely on said petition.

JOHN T. BURRIS,
W. W. GUTHRIE,
J. P. GREER.

MR. SPEAKER :—The Committee on Judiciary have had under consideration House Bill No. 176, entitled "An Act to repeal 'An Act relating to Dower,'" approved February 27th, 1860, and instruct me to report the same back to the House without amendment.

JOHN T. BURRIS,
Chairman.

Mr. Buckmaster, Chairman, from Committee on Roads and Highways, offered the following reports :

The Committee on Roads instruct me to report Road Bill No. 47 back to the House without amendment, and recommend its passage.

H. BUCKMASTER,
Chairman.

The Committee on Roads, &c., instruct me to report Bill No. 67 back to the House without amendment, and recommend its passage.

H. BUCKMASTER,
Chairman.

The Committee on Roads, &c., instruct me to report House Bill No. 76 back to the House without amendment.

H. BUCKMASTER,
Chairman.

The Committee instruct me to report Road Bill No. 162 back to the House and recommend its passage, as amended.

H. BUCKMASTER,
Chairman.

The Committee on Roads instruct me to report Road Bill No. 18 back to the House, as amended.

H. BUCKMASTER,
Chairman.

Report of Mr. Hanway, Chairman, from Committee on Claims:

MR. SPEAKER :—Your Committee, to whom was referred House Bill No. —, asking an appropriation for the relief of John S. Rodgers, have had the same under consideration and find, from the evidence before them, that the claim consists in charges for services of said Rogers as Sheriff of Nemaha county, and is, therefore, not legally chargeable to or payable out of the Territorial Treasury; and that under the Acts of Congress, 1859, providing for holding of District Courts in the several counties, it is expressly provided that the counties, respectively, shall defray all expenses of said Courts; your Committee, therefore, have instructed me to report adversely thereon.

JAMES HANWAY,
Chairman.

MR. SPEAKER :—The Committee on Claims, to whom was referred Joint Resolution No. 4, requesting the first Comptroller of the Treasury of the United States to authorize the Secretary of the Treasury to pay the mileage to the members of the last Legislative Assembly, for extra session, have had the same under consideration, and I am instructed to report adversely to its passage.

JAMES HANWAY,
Chairman.

MR. SPEAKER :—The Committee on Claims, to whom was re-

ferred House Bill No. —, for the relief of George A. Reynolds, Recorder of the Pawnee Land District, have had the same under consideration, and I am instructed to report the same back with amendments.

Your Committee are unable to find any authority, in the laws of 1858, creating the office of Recorder, &c., which authorizes them to allow any extra charges for stationery; your Committee, therefore would recommend that the sum of ninety-six dollars and twenty-five cents (\$96.25) be allowed to said Reynolds, for books purchased by him for said office of Recorder.

JAMES HANWAY,
Chairman.

On leave, Mr. Coffinberry withdrew the Bill for the relief of — John S. Rodgers.

Report of Mr. Graves, from the Committee on Agriculture:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred House Bill No. 158, have had the same under consideration, and instruct me to report the Bill back to the House without amendment and recommend its passage.

P. GRAVES,
Chairman.

MR. SPEAKER:—The Committee, to whom was referred the petition of James Ranney, and seventy-four others, of Douglas township, Jackson county, praying to be relieved from the operations of an Act entitled "An Act to provide for the running at large of swine," approved January 28th, 1860, having had the same under consideration, instruct me to report adversely thereto.

P. GRAVES,
Chairman.

MR. SPEAKER:—The Committee, to whom was referred Council Bill No. 1, have had the same under consideration, and instruct me to report the same back, as committed.

P. GRAVES,
Chairman.

MR. SPEAKER:—The Committee, to whom was referred the petition of Regan Porter, and others, have had the subject under consideration, and instruct me to report thereon the following Bill:

AN ACT to provide for submitting to a vote of the qualified electors of Anderson county an Act entitled "An Act to provide for the regulating of the running at large of Swine," approved January 28th, 1860.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That on the fourth (4th) Monday of March next, the qualified electors, in each and every township, in the county of Anderson, shall vote for or against the running at large of swine.

SEC. 2. That the vote provided for in the preceding section shall be taken in the same manner as the votes for township officers, and a return thereof shall be made to the Board of County Commissioners, and the same shall be canvassed and declared by them, as provided by the statute for canvassing and proclaiming the election of county officers.

SEC. 3. If a majority of the qualified electors of Anderson county shall vote for the running at large of swine, then the said Anderson county shall be exempt from the provisions of an Act entitled "An Act to provide for the running at large of Swine," approved January 28, 1860. But if a majority of said electors shall vote against the running at large of swine, then said Act shall remain in full force in said Anderson county.

SEC. 4. This Act to take effect and be in force from and after its passage.

Mr. Kean presented the petition of citizens of Atchison county, praying for a Territorial road from Atchison to Iowa Point, in Doniphan county.

Referred to Committee on Roads and Highways.

Report of Mr. Bowker, from Committee on Engrossed Bills :

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 179, and find the same correctly engrossed.

W. E. BOWKER,
Chairman.

Report of Mr. Bailey, Chairman, from Committee on Corporations and Banking :

The Committee on Corporations and Banking, to whom was referred House Bill No. 174, entitled "An Act to amend an Act establishing banks at Lawrence, Leavenworth and Wyandott," approved February 11, 1858, have had the same under consideration, and I am instructed to report the Bill back to the House, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 173, entitled "An Act to incorporate the Lawrence Ferry Company," have had the same under consideration, and I am instructed to report the Bill back to the House, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association," have had the same under consideration, and I am instructed to report the Bill back to the House, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 109, entitled "An Act to establish a ferry at the city of Palermo," have had the same under consideration, and I am instructed to report the Bill back as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 123, entitled "An Act to amend an Act entitled 'An Act to incorporate the White Cloud City Company,' passed 1858, and the amendments to said Act, and to legalize certain Acts therein named," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 53, entitled "An Act supplemental to an Act entitled 'An Act to enable the Trustees of Colleges, Academies, Universities and other institutions, societies and companies, to become bodies corporate,'" approved February 9, 1859, have had the same under consideration, and I am instructed to report the Bill back to the House, with amendments.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 176, entitled "An Act to incorporate the Bradford Mining Company," have had the same under considera-

tion, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

Mr. Gilpatrick presented the petition of Regan Porter, and others, against the law restraining hogs from running at large.

Referred to Committee on Agriculture.

Mr. Winchell presented the remonstrance of M. Rambo, and fifteen others, against any change in the boundary of Osage county.

Also, of John Rambo, and twenty-seven others, against the same.

Also, of G. M. Bonus, and eleven others, against the same.

All of which were referred to Committee on Counties and County Lines.

The Governor's message, vetoing House Bill No. 3, entitled "An Act to repeal certain laws therein named," was taken up.

The question being "Shall the Bill pass, notwithstanding the Governor's objections?" the vote resulted:

Yeas—20. Nays—7.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Deitzler, Guthrie, Greer, Graves, Gilpatrick, Hanway, Lillie, Lines, Pierce, Roberts, Simpson, Thoman, Williams, Wilson.

Those voting in the negative were

Messrs. Buckmaster, Evans, Humber, Kean, Lakin, Snoddy and Starns.

On motion of Mr. Greer,

The morning orders were suspended, and

Council Bill No. 18, entitled "An Act establishing the boundary lines between Shawnee and Osage counties," was taken up, considered engrossed, and

Read third time.

Mr. Deitzler moved to amend so as to take up House Bill No. 25, which prevailed, and motion, as amended, prevailed and passed.

On motion of Mr. Guthrie,

Council Bill No. 3, was taken up, and considered instead of House Bill No. 25.

On motion of Mr. Winchell,

Council Bill No. 3 was

Read second time :

"An Act to extend the time for the assessment of Taxes."

On motion of Mr. Winchell,

Osage, Wyandott, Anderson, Washington, Marshall, Wabaunsee, Morris, Riley, Chase and Breckinridge counties, were exempted from the provisions of Council Bill No. 3.

Mr. Lillie moved to amend the Bill by adding thereto: "*Provided*, The provisions of this Act shall apply only to the Territorial tax," which was

Lost.

On motion of Mr. Guthrie,

The Bill was amended by striking out "September," and inserting "December."

On motion of Mr. Winchell,

The Bill was considered by sections, and adopted as amended.

Message from the Council:

MR. SPEAKER :—I am directed to notify you honorable body

that the Council have passed House Bill No. 74; "An Act to abolish the Office of Register of Deeds of the City of Lawrence."

No. 103, "An Act to incorporate the Suffolk Mining Company," without amendment.

Also, Council Bill No. 41, entitled "An Act to release the several counties of this Territory from the payment of certain Taxes."

Also, Council Bill No. 48, entitled "An Act to establish a Ferry across the Smoky Hill River at the mouth of Turkey creek, in Dickinson county."

Also, Council Bill No. 58, entitled "An Act to provide for the permanent location of the county seat of Chase county."

Also, Council Bill No. 59, entitled "An Act to amend an Act creating and organizing the county of Irving."

Also, Council Bill No. 70, entitled "An Act to incorporate the Pacific Lodge No. 29, of Ancient Free and Accepted Masons."

Also, Council Bill No. 62, entitled "An Act to amend an Act entitled 'An Act to incorporate the Blue River Bridge Company.'"

Also, Council Bill No. 68, "An Act divorcing George W. Lovelace and Sarah Lovelace," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

On motion on Mr. Guthrie,

The rules were suspended, and

Council Bill No. 3, "An Act to extend the time for paying Taxes," was

Considered engrossed and

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—30. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Kean, Lakin, Lillie, Lines, Markham, Miller,

McCook, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Winchell.

Mr. Buckmaster voted in the negative.

So the Bill passed.

The title was agreed to.

On motion of Mr. Bailey,

Rules were suspended, and

House Bill No. 151, entitled "An Act establishing a branch department of Baker University by the Kansas Educational Association of the Methodist Episcopal Church," was

Considered engrossed, and

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—29. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Fairchild, Guthrie, Greer, Humber, Hanway, Kean, Lillie, Lines, Markham, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

On motion of Mr. Winchell,

The House proceeded to the consideration of the Calendar in its regular order.

House Bill No. 81,

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 182, was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 183, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 184, was

Read second time and

Referred to Committee on Roads and Highways.

Also, House Bill No. 185, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 186, was

Read second time and

Referred to Committee on Counties and County Lines.

Also, House Bill No. 187, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 188, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 189, was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 190, was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 191, was

Read second time and

Referred to Committee on Judiciary.

On motion, House Bill No. 104, entitled "An Act to define the boundary line between Dickinson and Morris counties," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—29. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Kean, Lakin, Lillie, Lines, Markham, McCook, Pierce, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

House Bill No. 89, entitled "An Act to restrain the sale of Intoxicating Liquors ;"

Also, House Bill No. 38, entitled "An Act to change the name of John William Hobbs to John William Harman ;"

Also, House Bill No. 7, entitled "An Act to regulate the assessment of taxes in Pottawattamie county," being under consideration,

The House went into Committee of the Whole.

Mr. Snoddy in the chair.

Message from the Council:

MR. SPEAKER :—I am directed to notify the House that the Council has passed House Bill No. 99, "An Act to legalize the assessment of Taxes in the City of Lawrence, and for the sale of certain property by said city of Lawrence to the county of Douglas."

House Bill No. 129, "An Act defining the extra officers of the Council and House of Representatives."

House Bill No. 172, "An Act to provide for paying the extra officers of the Legislative Assembly of Kansas Territory for the session of 1861, and for transcribing the Journals," without amendment.

Also, Council Bill No. 92, "An Act to provide for an apportionment and for other purposes," and solicit your concurrence.

JOHN J. INGALLS,

Secretary.

The Committee of the Whole having disposed of House Bill No. 89, arose and reported to the House, through its Chairman, House Bill No. 89, and recommend that the further consideration of the same be postponed until the fourth day of July next.

Mr. Greer moved to agree to the report.

Mr. Winchell moved that the report be disagreed to by the Committee of the Whole.

Upon which the yeas and nays were demanded.

Yeas—15. Nays—17.

Those voting in the affirmative were

Messrs. Bowker, Buckmaster, Burnett, Dunton, Guthrie, Graves, Humber, Hanway, Lakin, Miller, Pierce, Roberts, Starns, Snoddy, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Burris, Coffinberry, Deitzler, Evans, Fairchild, Greer, Gilpatrick, Kean, Lines, Markham, McCook, Simpson, Thoman, Williams, Winchell.

And so the report was disagreed to.

Mr. Deitzler moved to lay the report of the Committee of the Whole on the table.

Message from the Council :

MR. SPEAKER :—I am directed to notify your honorable body that the Council has passed House Bill No. 95, "An Act to protect Game in Leavenworth county."

House Bill No. 102, "An Act to change the name of the Cinnabar Mining Company."

House Bill No. 179; "An Act to prevent the payment of certain Bonds," &c., without amendment.

Also, Council Bill No. 72, "An Act to amend an Act entitled 'An Act to define the duties of Justices of the Peace in cases of breach of the peace,' " approved February 10th, 1859, and

No. 81, "An Act to incorporate the Medary Town Company, and to authorize the construction of a Mill dam," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Winchell moved that, when the House adjourned, it adjourn to meet at 2 o'clock for holding a special session for the consideration of the Calendar in its regular order.

Mr. Gilpatrick moved to amend so; as to adjourn until 3 o'clock, to hold a special session for the consideration of all Council Bills.

Motion prevailed.

Mr. Winchell moved to amend by inserting all Bills on the Calendar.

Motion as amended prevailed.

On motion of Mr. McCook,

The rules were suspended, and

Council Bill No. 72, was

Read first, second and third time, and

Considered engrossed.

On motion, rules were suspended, and

Council Bill No. 72, was put upon its final passage.

The question being, " Shall the Bill pass ?" the vote resulted as follows:

Yeas—25. Nays—4.

Those voting in the affirmative were

Messrs. Anderson, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Kean, Lakin, Lines, Markham, Pierce, Roberts, Starns, Thoman, Williams, Wilson.

Those voting in the negative were

Messrs. Miller, McCook, Simpson, Winchell.

So the Bill passed.

The title was agreed to.

Mr. Lines asked leave to introduce House Bill No. 194, "An Act to make certain appropriations therein named."

On motion of Mr. Lines,

The rules were suspended and

Bill read first, second and third time.

On motion of Mr. Lines, the Bill was referred to a Select Committee consisting of Messrs. Lines, Fairchild and Roberts.

On leave, Mr. Bailey introduced House Bill No. 195, "An Act to incorporate the Kansas Hydraulic and Manufacturing Company," which was

Read first time.

On leave, Mr. Dunton introduced House Bill No. 196, "An Act authorizing the County Commissioners of certain Counties therein named, to extend the time for the collection of taxes."

On leave, Mr. Pierce introduced House Bill No. 197, "An Act legalizing the election of County Commissioners in District No. 1, of Marshall County," which was

Read first time.

On leave, Mr. Wilson introduced House Bill No. 198, "An Act supplementary to an Act entitled, 'An Act to incorporate the Elwood, Palermo & Fort Riley Railroad Company,' approved February 11th, 1858," which was

Read first time.

Also, House Bill No. 199, "An Act legalizing the assessment and collection of Taxes in the township of Marion, in the county of Doniphan, in this Territory," which was

Read first time.

Also, House Bill No. 200, "An Act supplemental to an Act entitled 'An Act to incorporate the City of Palermo, in Kansas Territory,'" which was

Read first time.

On motion of Mr. Markham, the rules were suspended and House Bill No. 25, be taken out of general orders, considered and put upon its final passage.

The previous question being demanded, prevailed, and Bill

Read third time.

Mr. Snoddy moved a call of the House.

Lost.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—22. Nays—5.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Humber, Hanway, Kean, Lakin, Markham, Miller, McCook, Roberts, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Burris, Lines, Pierce, Snoddy, Simpson.

And so the Bill passed.

The title was agreed to.

On motion,

House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK.

House called to order.

Speaker in the Chair.

Quorum present.

On motion of Mr. Roberts,

Council Bill No. 54, entitled "An Act legalizing certain Bonds therein named," was

Read first time.

Also, Council Bill No. 52, entitled "An Act to establish a Ferry across the Missouri river," which was

Read first time.

Also, Council Bill No. 47, entitled "An Act to define the Western Boundary of Davis County, which was

Read first time.

Also, Council Bill No. 42, entitled "An Act legalizing certain acts of the County Clerks of Doniphan County."

Also, Council Bill No. 23, entitled "An Act to divorce James P. Whitney and Harriet N. Whitney," which was

Read first time.

Also, Council Bill No. 3, entitled "An Act to extend the time for paying Taxes," which was

Read first time.

Also, Council Bill No. 53, entitled "An Act to divorce Lucy Van Tiffin from Schuyler Van Tiffin."

Also, Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas," which was

Read first time.

Also Council Bill No. 47, entitled "An Act making an appropriation for paying the salaries and other expenses allowed by law to the Territorial Superintendent of Common Schools," which was

Read first time.

Also, Council Bill No. 61, entitled "An Act for the relief of J. Leiby and L. S. Hall," which was

Read first time.

Also, Council Bill No. 37, entitled "An Act imposing a Tax upon a Ferry privilege," which was

Read first time.

Also, Council Bill No. 65, entitled "An Act establishing a Territorial Road from the residence of Judge Wakefield, in Douglas County, westward, via Williamsport, to Auburn, in Shawnee County," which was

Read first time.

On motion,

House Bill No. 196, was

Read second time and

Referred to Committee on Counties and County Lines.

Also, House Bill No. 198, was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 197, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 199, was

Read second time and

Referred to Committee on Judiciary.

Also House Bill No. 200, was

Read second time and

Referred to Committee on Corporations and Banking.

Also, House Bill No. 195, was

Read second time and

Referred to Committee on Corporations and Banking.

On motion of Mr. Bailey,

The rules were suspended, and

Council Bills Nos. 37 and 52, were

Considered engrossed and

Read third time.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House, that the Council have passed House Bill No. 66, "An Act to detach that portion of township 16 in range eight, lying and being in Davis county, from said Davis county and attach the same to Riley county," without amendment.

Also, Council Bill No. 84, "An Act to extend the time for the payment of the Taxes of 1860, in Douglas county," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Council Bill No. 52, entitled "An Act to establish a Ferry across the Missouri," having been

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—23. Nays—None.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Cowles, Fairchild, Greer, Graves, Gillpatrick, Hanway, Kean, Lillie, Markham, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

And so the Bill passed.

The title was agreed to.

House Bill No. 37, entitled "An Act imposing a Tax upon a Ferry privilege," was

Read third time.

The question being "Shall the Bill pass?" the result was as follows:

Yeas—25. Nays—None.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Cowles, Fairchild, Graves, Gillpatrick, Hanway, Kean, Lakin, Lillie, Lines, Markham, Miller, Pierce, Roberts, Simpson, Thoman, Williams, Wilson, Winchell.

And so the Bill passed.

The title was agreed to.

The Special Committee, to whom was referred House Bill No. 194, made a report.

On motion of Mr. Lines, the Bill was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—24. Nays—4..

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burris, Coffinberry, Cowles, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Hanway, Kean, Lakin, Lines, Markham, Pierce, Roberts, Simpson, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Milier, Snoddy, Starns and Thoman.

And so the Bill passed.

The title was agreed to.

Report of Mr. Burris, Chairman, from Committee on Judiciary :

MR. SPEAKER :—The Committee on Judiciary have had under consideration the petition of Almarinda P. Todd, praying to be divorced from Henry R. Todd, and would beg leave, to report, that they are satisfied from the evidence adduced before them, that the said Henry R. and Almarinda P. Todd were married in the year 1855, and lived and cohabited together as husband and wife, until March 1860, at which the last named date the said Henry P. Todd abandoned his wife without any just cause ; that there are two children, the fruits of said marriage; that said children are with their mother, the said Almarinda P. Todd; that said Henry R. Todd left his said wife and children entirely destitute; that the said Almarinda P. Todd has no other means of support for herself and children, than her own labor, and that she has not the means necessary to prosecute a suit in Court for divorce, all of which is respectfully submitted without recommendation upon the part of the Committee.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Miller,

House Bill No. 201, entitled "An Act divorcing Almarinda P. Todd and Henry R. Todd," was

Read first time.

The rules were suspended and Bill

Read second and third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—17. Nays—13.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Dunton, Fairchild, Greer, Graves, Kean, Lakin, Miller, McCook, Roberts, Simpson, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Burris, Coffinberry, Guthrie, Gillpatrick, Humber, Hanway, Lines, Markham, Pierce, Snoddy, Starns.

So the Bill passed.

The title was agreed to.

Mr. Bowker introduced House Bill No. 202, entitled "An Act to repeal An Act relating to county orders for the county of Shawnee," approved Feb. 23, 1860.

On motion of Mr. Bowker,

The rules were suspended, and

Bill read a first, second and third time.

The question being, " Shall the bill pass ? " the vote resulted as follows :

Yeas—27. Nays—2.

Those voting in the affirmative, were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Graves, Gillpatrick, Hanway, Hawkins, Kean, Lines,

Markham, Miller, Pierce, Roberts, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Lakin and Snoddy.

So the Bill passed.

Title was agreed to.

Mr. Bailey moved to suspend the rules, and House Bill No. 30 be considered engrossed, and read a third time.

Mr. Thoman moved to amend, so as to include Council Bill No. 25.

Mr. Snoddy moved to amend, so as to include House Bill No. 21.

Amendments accepted, and motion prevailed.

House Bill No. 30, entitled "An Act respecting services by publication in civil cases," was

Read third time.

The question being, "Shall the bill pass?" [the vote resulted as follows:]

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Danton, Fairchild, Greer, Graves, Humber, Hawkins, Kean, Markham, Miller, McCook, Roberts, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

Those voting in the negative, were

Messrs. Bowker, Buckmaster, Burris, Gillpatrick, Hanway, Hawkins, Pierce.

So the Bill passed.

Title was agreed to.

Council Bill No. 2, entitled "A Bill divorcing Henry Smith and Harriet Smith," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—20. Nays—10.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Humber, Hawkins, Kean, McCook, Roberts, Snoddy, Simpson, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Burris, Hanway, Lakin, Lines, Pierce, Simpson, Williams.

So the Bill passed.

The title was agreed to.

House Bill No. 21, entitled "An Act divorcing Allen Beeson from Elizabeth Beeson," was

Read third time.

The question being, "Shall the Bill pass?" the vote resulted as follows :

Yeas—14. Nays—16.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Coffinberry, Deitzler, Fairchild, Graves, Hawkins, Kean, McCook, Roberts, Snoddy, Thoman, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Burris, Cowles, Evans, Guthrie,

Greer, Gillpatrick, Humber, Hanway, Lakin, Lines, Pierce, Simpson, Starns, Williams.

So the Bill was lost.

Mr. Pierce moved that House Bill No. 120 be considered engrossed, and read a third time.

Mr. Bailey introduced House Bill No. 203, which was

Read first and second time, and

Referred to Committee on Corporations and Banking.

Mr. Markham introduced House Bill No. 204, which was

Read first and second time, and

Referred to Committee on Judiciary.

Mr. Deitzler, from the Committee on Counties and County Lines, made a report.

Mr. Bailey reported substitute to House Bill No. 149, which was ordered to be placed on the calendar.

On motion of Mr. Lines, House Bill No. 175, entitled "An Act legalizing the election of county officers of Davis county, also legalizing the official acts of certain persons therein named" [was read third time.]

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—21. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Coffinberry, Cowles, Evans, Graves, Gillpatrick, Hanway, Hawkins, Kean, Lines, McCook, Pierce, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the bill passed.

Title was agreed to.

On motion of Mr. Pierce,

Rules were suspended.

House Bill No. 120, entitled "An Act legalizing the acts of Sheriffs, in the year 1860," was

Read, and

Mr. Pierce offered the following as an amendment:

After the word "that," in the first line, insert the words "all sales in real estate, and," and after the words "sheriffs," in the same line, insert "and other officers."

Mr. Greer offered the following, to be inserted in section 7 of the Bill: "Section 2d. That section 449 of the Code of Civil Procedure, be and the same is hereby repealed," and that section 2 be read 3.

On motion of Mr. Miller,

The Bill was rejected.

On motion of Mr. Fairchild,

Council Bills No. 6, 16 and 68 were taken up and considered.

Council Bill No. 6, entitled "An Act divorcing Augustus Bilger and Emeline Bilger," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—17. Nays—11.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Deitzler, Dunton, Fairchild, Greer, Graves, Lakin, Markham, Miller, McCook, Roberts, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Evans, Guthrie, Humber, Hanway, Lines, Pierce, Starns, Williams.

So the Bill passed.

The title was agreed to.

On motion, Council Bill No. 16, entitled "A Bill divorcing Helen Jane Moore," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—19. Nays—9.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Kean, Markham, McCook, Roberts, Snoddy, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Humber, Hanway, Lines, Pierce, Starns, Williams.

So the Bill passed.

The title was agreed to.

On motion, Council Bill No. 68, entitled, "An Act divorcing George M. Lovelace and Sarah Lovelace," was

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows :

Yeas—20. Nays—10.

Those voting in the affirmative were

Messrs. Bailey, Buckmaster, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Humber, Kean, Lakin, Lillie, Miller, McCook, Roberts, Snoddy, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Anderson, Bowker, Burnett, Burris, Guthrie, Gillpatrick, Hanway, Lines, Pierce, Starns.

So the Bill passed.

Title was agreed to.

On motion of Mr. Bailey,

The rules were suspended, and

House Bills No. 149, 136 and 140 taken up.

House Bill No. 149, entitled, "An Act to amend an Act entitled 'An Act to provide for the assessment and collection of taxes,' so far as the same refers to Leavenworth city," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—25. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Buckmaster, Burnett, Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Hanway, Lines, Markham, Miller, McCook, Pierce, Roberts, Snoddy, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

On motion, House Bill No. 136, entitled "An Act to legalize the official acts of John McCreary, acting Justice of the Peace in the township of Jefferson, Jackson county," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—23. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett,

Burris, Cowles, Evans, Fairchild, Guthrie, Greer, Humber, Hanway, Lines, Miller, McCook, Pierce, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the the Bill passed.

Title was agreed to.

On motion, House Bill No. 140, entitled "An Act concerning roads in Osage and Breckinridge counties," was

Read a third time.

The question being "Shall the bill pass?" the vote resulted as follows:

Yeas—26. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burris, Coffinberry, Cowles, Deitzler, Evans, Fairchild, Guthrie, Greer, Graves, Hanway, Lines, Markham, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Buckmaster, Humber.

So the Bill passed.

The title was agreed to.

On motion of Mr. Guthrie,

The vote by which House Bill No. —, entitled "An Act divorcing Allen Beeson from Elizabeth Beeson," was rejected, was reconsidered.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—16. Nays—12.

Those voting in the affirmative were

Messrs. Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton,

Fairchild, Guthrie, Graves, Markham, McCook, Roberts, Snoddy, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Evans, Greer, Humber, Hanway, Lakin, Lines, Pierce, Simpson, Starns and Williams.

So the Bill passed, and

The title was agreed to.

Report of Mr. Snoddy from the Committee on Enrolled Bills :

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 103, entitled “An Act to incorporate the Suffolk Mining Company;” also, House Bill No. 74, entitled “An Act to abolish the office of Register of Deeds in the city of Lawrence,” and find them properly enrolled.

The Committee, also, have examined House Bill No. 172, entitled “An Act to provide for the extra officers of the Legislative Assembly of Kansas Territory for the session of 1861,” and find the enrolled Bill to be a correct copy of the original engrossed Bill; but the Bill is defective, the title not being the same as that intended by the Legislature.

The Committee have also examined House Bill No. 129, entitled “An Act defining the extra officers of the Council and House of Representatives,” and find the enrolled copy a correct copy of the original engrossed Bill; but the Bill is defective. The word “Messenger” in Section 1, should be “Messenger boy.”

The Committee have, also, examined House Bill No. 66, entitled “An Act to detach that portion of township ten in range eight, lying and being in Davis county, from said Davis county, and to attach the same to Riley county;” also, House Bill No. 179, entitled “An Act to prevent the payment of certain Bonds purporting to have been issued under the provisions of an Act entitled ‘An Act to provide for funding the indebtedness of the Territory,’ approved February 11th, 1859, and certain warrants and certificates purporting to have been drawn under the provisions of an Act entitled ‘An Act to provide for the adjustment and payment of Claims,’ approved February 7, 1859, and an Act supplementary, entitled ‘An Act to provide for the payment of Claims,’ ” approved February 11, 1859, and find the same properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Roberts offered the following resolution, which was adopted:

Resolved, That the Docket Clerk be and he is hereby directed to make out a list of all Acts passed, and approved by the Governor at this session of the Legislative Assembly of the Territory of Kansas, and that three hundred copies thereof be printed, and that the said Clerk shall distribute the same to the members and officers of the House of Representatives.

On motion of Mr. Greer,

House Bill No. 114 and Council Bills 65 and 11 were taken up.

House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas river at the mouth of Soldier creek, in Shawnee county," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—24. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Evans, Greer, Graves, Humber, Hanway, Lakin, Lines, Markham, McCook, Pierce, Roberts, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed, and

Title was agreed to.

On motion of Mr. Burnett,

Council Bill No. 11 was made the special order for special session, this evening at seven o'clock.

Mr. Guthrie moved that the rules be suspended, and House Bills Nos. 67 and 123 be taken up for consideration.

Mr. Bailey, from Committee on Corporations and Banking, reported the following:

The Committee on Corporations and Banking, to whom was

referred House Bill No. 203, entitled "An Act to incorporate the Anderson County Agricultural and Mechanical Society," have had the same under consideration, and I am instructed to report the Bill back as committed.

D. H. BAILEY,
Chairman.

On leave, Mr. Scott introduced House Bill No. 205, entitled "An Act to define the Boundaries of Allen county,"

On motion, the rules were suspended, and Bill

Read first and second time and

Referred to Committee on Counties and County Lines.

Mr. ——— introduced House Bill No. 206, entitled "An Act legalizing certain acts of Sheriffs."

On motion, Bill was

Read first and second time and

Referred to Committee on Judiciary.

On motion of Mr. Bailey,

The rules were suspended and

House Bills No. 203 and 181 were

Considered engrossed, and

Read second and third time.

House Bill No. 203, entitled "An Act to incorporate the Anderson County Agricultural and Mechanical Society," having been

Read a third time,

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—21. Nays—None.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burris, Coffinberry, Cowles, Deitz-

ler, Guthrie, Greer, Gillpatrick, Humber, Lines, Markham, Miller, McCook, Pierce, Snoddy, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed and

The title was agreed to.

On motion of Mr. McCook,

Leave of absence was granted to Mr. Perry, for three days.

On motion,

House adjourned until 7 o'clock this evening.

EVENING SESSION.

SEVEN O'CLOCK.

Speaker in the chair.

Quorum present.

On motion of Mr. Winchell, a Committee of Conference was appointed on House Bill No. 32.

Committee consisting of Messrs. Roberts, Winchell and Miller.

On motion of Mr. Miller,

House Bill No. 37, entitled "An Act supplemental to an Act to organize the county of Dickinson," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—19. Nays—2.

Those voting in the affirmative were

Messrs. Bowker, Buckmaster, Burnett, Burris, Deitzler, Evans, Greer, Gillpatrick, Humber, Hanway, Hawkins, Lakin, Lines, McCook, Roberts, Snoddy, Starns, Thoman, Winchell.

Messrs. Dunton and Graves voted in the negative.

And so the Bill passed and

The title was agreed to.

On motion of Mr. Gillpatrick,

The House went into Committee of the Whole.

Mr. Lines in the chair.

The Committee of the Whole, having disposed of the Bills and Substitutes, arose, and reported to the House, through its chairman, Council Bill No. 11, as amended by the House Committee, and recommended, that the same be referred to Committee on Judiciary.

Agreed to and Bill referred.

On motion of Mr. Winchell,

The House proceeded to consider general orders on the Calendar.

The following Bills: House Bill No. 38, "An Act to change the name of John Wm. Hobbs to John Wm. Harman;"

Also, Council Bill No. 7, "An Act to regulate the assessment of Taxes in Pottawattamie county,"

Also, House Bill No. 72, "An Act to repeal sections 93, 94 and 95 and fourth subdivision of section 115, of an Act entitled, 'An Act to regulate the jurisdiction and procedure before a Justice of the Peace and of the duties of Constables in civil cases,'" being under consideration,

The House went into Committee of the Whole.

Mr. Graves in the chair.

The Speaker resumed the chair and received the following message from the Council:

MR. SPEAKER :—I am directed to notify your honorable body, that the Council have passed House Bill No. 26, "An Act to divorce Sabra J. Wells from Alpheus Wells," House Bill No. 30, "An Act divorcing George M. Bittman and Catharine Bittman," without amendment.

JOHN J. INGALLS,
Secretary.

Speaker resumed the chair and received Message from the Council :

MR. SPEAKER :—I am directed to notify the House, that the Council have passed House Bill No. 3, "An Act to repeal certain laws therein named," by the Constitutional majority, the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

The Committee of the Whole having disposed of all the Bills referred to it, arose, and, through its Chairman, reported to the House :

House Bill No. 38, with the following amendments:

Insert the words "adopted son and" between the words "the" and "legal," in first line of section second. Strike out the word "adopted," after the word "legal," in the same line, and add the following as a substitute for section three: "Sec. 3. This Act shall take effect and be in force whenever the said John Harman shall file in the office of the Recorder of Deeds, in Dickinson county, properly acknowledged for record, his acceptance of the provisions of this Act."

Also, Council Bill No. 7, without amendment.

Also, House Bill No. 72, without amendment.

On motion of Mr. Winchell,

The report on House Bill No. 38 was agreed to.

On motion of Mr. Lines,

The report on House Bill No. 7 was agreed to.

On motion of Mr. Winchell,

The report on House Bill No. 72 was agreed to.

On motion, the Bills were ordered to be engrossed for third reading.

Mr. Markham moved that the General Orders be suspended, and House Bills Nos. 123 and 145 be taken up ; which,

On motion of Mr. Snoddy,

Was laid upon the table.

House Bill No. 58, entitled "An Act amendatory to an Act entitled 'An Act for the regulating of the running at large of Swine,' " approved January 28, 1860 ;

Also, House Bill No. 33, entitled "An Act diminishing the rates of interest ;"

Also, House Bill No. 69, entitled "An Act to legalize the official acts of Notaries Public in Arrapahoe county, in certain cases," being under consideration,

The House went into Committee of the Whole.

Mr. Bailey in the chair.

The Committee of the Whole, having disposed of all the Bills referred to it, arose, and, through its Chairman, reported to the House :

House Bill No. 58, with the recommendation that the same be referred to a Special Committee of five.

Also, House Bill No. 33, with information that they had stricken out the enacting clause.

Also, House Bill No. 69, without amendment.

On motion of Mr. Guthrie,

The report of the Committee of the Whole was agreed to.

The Bills, as reported, were ordered to be engrossed for third reading.

Mr. Burris, from the Committee on Judiciary, reported House Bills Nos. 197 and 206 back to the House, without amendment.

MR. SPEAKER :—The Committee on Judiciary have had under consideration Council Bill No. 23, "An Act to divorce James P. Whitney and Harriet L. Whitney," and would ask leave to report that, in the opinion of the Committee, the evidence adduced in the case establishes the following facts, to wit: That James P. Whitney and Harriet L., his wife, were married, in the State of Massachusetts, in the year 1838; that they continued to live and cohabit together, as husband and wife, until sometime in the year 1858, when the said Harriet L. abandoned the said James P. Whitney, without any just cause; that, after remaining away from said James P. Whitney for several months, she returned again to him, acknowledged that she alone was to blame for the difficulties which had existed between them, and promised to conduct herself in a proper manner in the future, if he, the said James P., would consent that she should again live and cohabit with him; that he, the said James P., did consent, and, that they did then live and cohabit together, as husband and wife, until September, 1859, when the said Harriet L. again left and entirely abandoned the said James P. Whitney, without any just cause, and has, since that time, wholly neglected and refused to live and cohabit with him. The evidence further establishes the fact, to the satisfaction of the Committee, that said James P. Whitney did, during the whole time that he and the said Harriet L. continued to live and cohabit together as husband and wife, treat her in a kind and affectionate manner; that there are no children as the fruits of said marriage, and that the said James P. Whitney has been a resident of Kansas since April, 1860.

The Committee report the above facts to the House, with said Council Bill No. 23, without recommendation.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER :—The Committee on Judiciary, to whom was referred House Bill No. 147, have had the same under consideration, and report the facts in said case, and that said parties have lived together, a married life, for about eight years, and have two children, the issue thereof; that, while such married life proved unhappy, yet said parties continued to live together until about three months ago, when the petitioner left his family, in the State of Wisconsin, in the house where they were then residing, and came to Kansas, where he has since resided, supporting his said family by remittances thereto; that the cause of said family differences resulted from suspicions of an unfaithfulness of the marriage relation, entertained by said petitioner's wife towards him, which were unfounded; that, therefore, she took steps towards separation, which she concealed from him, and never came into effect; that the separation was made by the petitioner him-

self, and in no unkindness, nor with notice given of the steps he was taking.

Your Committee further report that they find no premises in said facts to support said Bill.

W. W. GUTHRIE,
for the Committee.

Mr. Guthrie, from the Judiciary Committee, reported House Bill No. 86 back to the House, without amendment.

Mr. Snoddy, Chairman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—The Committee on Enrolled Bill have examined House Bill No. 99, entitled "An Act to legalize the assessment of Taxes in the city of Lawrence, and for the sale of certain property by said City of Lawrence to the county of Douglas."

Also, House Bill No. 102, entitled "An Act to change the name of the Cinnabar Mining Company."

Also, House Bill No. 95, entitled "An Act to protect Game in Leavenworth county," and find them correctly enrolled.

The Committee have, also, examined House Bill No. 129, entitled "An Act defining the extra officers of the Council and House of Representatives, and fixing their salaries."

Also, House Bill No. 172, "An Act to provide for the payment of the extra officers of the Legislative Assembly of Kansas Territory for the session of 1860, and for transcribing its journals," and find them properly enrolled as corrected.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 26, entitled "An Act to divorce Sabra T. Wells from Alpheus Wells."

Also, House Bill No. 30, entitled an Act divorcing George M. Bittman from Catharine Bittman," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Bowker, Chairman, from Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined House Bill No. 38, entitled "An Act to change the name of John William Hobbs to John William Harman," and find the same correctly engrossed.

W. E. BOWKER,
Chairman.

Mr. Lines moved to adjourn, which was

Lost.

On motion of Mr. Dunton,

Rules were suspended, and

Council Bill No. 21, and House Bill No. 206, were taken up and

Read a third time.

Council Bill No. 21, entitled "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the city of Junction, and to provide for the election of Justice of the Peace,' " being

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—20. Nays—2.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Fairchild, Graves, Gillpatrick, Humber, Hanway, Lines, McCook, Pierce, Roberts, Thoman, Wilson, Winchell.

Messrs. Guthrie and Lakin voted in the negative.

And so the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am instructed to notify the House, that the Council have passed Council Bill No. 8, "An Act regulating the fees of officers, jurors and witnesses, and for other purposes;"

Council Bill No. 60, "An Act to provide for the organization, supervision and maintenance of Common Schools," and ask your concurrence.

Also, that the Council concur in House Memorial and Resolution in behalf of the suffering in Kansas; and have passed House

Bills No. 42, "An Act defining the southern boundary of Breckinridge county, and other purposes;" No. 149, "An Act to amend an Act to provide for the assessment and collection of Taxes," approved February 23, 1860, so far as the same relates to the city of Leavenworth, and for other purposes;" No. 201, "An Act divorcing Almarinda P. Todd and Henry R. Todd," without amendment.

JOHN J. INGALLS,
Secretary.

Mr. Gilpatrick rose to a question of privilege, and made certain charges against a member of the House, and asked the appointment of a Committee of three to investigate the matter.

Mr. Lines moved that the witness be named, and he, the private Secretary of the Governor, be brought in.

Motion prevailed.

Mr. Gillpatrick named Mr. Foreman as the witness.

On motion of Mr. Winchell,

The matter was laid on the table for the present.

On motion of Mr. Bailey,

House Bill No. 126 was

Indefinitely postponed.

On motion,

House Bill No. 206, was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—19. Nays—2.

Those voting in the affirmative were

Messrs. Bailey, Burris, Coffinberry, Deitzler, Dunton, Fairchild, Guthrie, Gillpatrick, Humber, Hanway, Lines, Markham, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Wilson.

Messrs. Graves and Lakin voted in the negative.

And so the Bill passed.

The title was agreed to.

On motion of Mr. Miller,

The rules were suspended, and

Council Bill No. 8 was

Read first and second times and

Referred to Committee on Judiciary.

On motion of Mr. Winchell,

Rules were suspended, and

Council Bill No. 60 was

Read first and second times and

Referred to Committee on Education.

Mr. Lines moved to adjourn, which was

Lost.

On motion of Mr. Guthrie,

The rules were suspended, and

House Bill No. 67, entitled "An Act to repeal an Act establishing Highways in the county of Brown," was

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—19. Nays—1.

Those voting in the affirmative were

Messrs. Bailey, Burnett, Burris, Deitzler, Dunton, Fairchild,

Guthrie, Gillpatrick. Humber, Hanway, Lakin, Lillie, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Winchell.

Mr. Graves voted in the negative.

So the Bill passed.

The title was agreed to.

On motion of Mr. Winchell,

The motion of Mr. Gillpatrick, to appoint a Committee of three on the question of privilege, was

Taken from the table.

Message from the Council :

MR. SPEAKER :—I am instructed to notify the House that the Council has passed House Bill No. 141, " An Act to incorporate a Ferry across the Grasshopper River," without amendments.

JOHN J. INGALLS,
Secretary.

The Speaker appointed Messrs. Winchell, Roberts and Miller as Committee of Conference on House Bill No. 32.

Mr. McCook moved to amend the motion of Mr. Gillpatrick, so that said committee shall consist of five.

Motion prevailed.

The committee consisted of Messrs. Lakin, Bailey, Burnett, McCook and Lines.

The Speaker appointed Messrs. Graves, Bailey, Humber, Kean and Hawkins as Special Committee on House Bill No. 58.

On motion of Mr. Simpson,

The House took up House Bill No. 173 for consideration.

On motion, House adjourned until to-morrow at 9 o'clock.

ALFRED GRAY,
Chief Clerk.

THURSDAY, Jan. 31st, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Bailey, Burnett, Burris, Cowles, Deitzler, Fairchild, Guthrie, Greer, Gillpatrick, Hawkins, Lakin, Lillie, Miller, McCook, Perry, Reynolds, Roberts, Simpson, Starns, Wilson.

On motion of Mr. Lines,

The Sergeant-at-Arms was instructed to bring in absentees.

Absentees—Messrs. Burnett, Wilson, Fairchild and Anderson, appeared and answered to their names, which made a

Quorum present.

Journal of yesterday read, corrected and approved.

On motion of Mr. Cowles,

House Bill No. —, divorcing ——— Baldwin from ——— Baldwin ;

Also, House Bill No. 147, divorcing John Van Delft and Susan Van Delft ;

Also, Council Bill No. 9, divorcing Ruducia F. Stephens and A. L. Stephens, were

Referred to Committee on Judiciary.

Mr. Winchell, from Special Committee, made the following report :

The Special Committee, to whom was referred the bill for the divorce of Joseph McDonald and Eleanor McDonald, and the

evidence accompanying the same, beg leave to report that the evidence establishes a clear case of desertion, and that they recommend the passage of the bill.

J. M. WINCHELL,
Chairman.

On motion of Mr. Winchell,

The rules were suspended, and

House Bill No. 157, was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—15. Nays—10.

Those voting in the affirmative were

Messrs. Bailey, Burnett, Coffinberry, Deitzler, Dunton, Fairchild, Greer, Graves, Hawkins, Kean, McCook, Roberts, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Evans, Guthrie, Humber, Hanway, Lines, Pierce, Williams, Starns.

So the Bill passed, and the

Title was agreed to.

Mr. Lines introduced House Bill No. 207, "An Act making an appropriation in favor of Rev. R. Cordley and Rev. Charles Reynolds," and

Moved that the rules be suspended, and Bill read first, second and third time, and be considered en grossed;

Upon which the yeas and nays were demanded, with the following result:

Yeas—14. Nays—15.

Those voting in the affirmative were

Messrs. Bailey, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Lines, Markham, McCook, Roberts, Snoddy, Williams, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Evans, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Kean, Miller, Pierce, Simpson, Starns, Thoman.

So the motion was lost.

On motion,

Bill was read first time.

On motion of Mr. Burris,

The rules were suspended, the bill read second time, and

Referred to Committee on Accounts.

Mr. Burris, chairman from Committee on Judiciary, made the following report:

MR. SPEAKER: The undersigned, a majority of the members of the Committee on Judiciary, have had under consideration House Bills Nos. 71, 82, 97, 125, 146, 161 and 171, and Council Bills Nos. 22, 30 and 31, and report the accompanying Bill therefor.

JOHN T. BURRIS,
GREER,
GUTHRIE.

MR. SPEAKER: The Committee on Judiciary have had under consideration Council Bill No. 11 as amended by the House Committee on Militia, and direct me to report the same back to the House, with the following amendments: In section 2 strike out all after the word "General," in the third line, and insert the following: "to be elected by the qualified electors of the Territory, at an election to be held on the third Monday in February, 1861, the said election to be held at the usual places of election, and governed by the general election laws of the Territory."

Also, in section 15, strike out all after the word "years."

Mr. Starns moved that

The rules be suspended, and

Council Bill No. 60 be taken up, which was ~~read~~

Lost.

Mr. Lines offered the following resolution :

Resolved, That the Chief Clerk be and he is hereby authorized to correct a clerical error in the bill entitled " An Act to change the name of John William Hobbs to John William Harman, by substituting the letter " o," for " a," in the last syllable of Harman, so it may read Harmon instead of Harman."

Mr. Snoddy moved that rules be suspended, and House Bills Nos. 123, 73 and 11 be taken up and considered.

Prevailed.

Mr. Pierce introduced House Bill No. 208, " An Act to incorporate the Granite Falls Bridge Company," which was

Read first time.

Mr. Thoman introduced House Bill No. 209, entitled " An Act divorcing Esther Moore and William Moore," which was

Read first time.

On motion of Mr. Deitzler,

House Bill No. 73 was taken up and considered. Section first was amended by filling the blank with " \$15,000," and inserting after the word " dollars," in line four, " over and above the Institute building and grounds on which they stand."

Rules were suspended, and

House Bill No. 73, entitled " An Act to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county, K. T.," was

Read third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—27. Nays—1.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Humber, Hanway, Kean, Lakin, Lines, Markham, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson and Winchell.

Mr. McCook voted in the negative.

So the Bill passed.

The title was agreed to.

Report of Mr. Burris, Chairman from Committee on Judiciary:

MR. SPEAKER:—The Judiciary Committee have had under consideration House Bill No. 69, "An Act to legalize the official acts of Notaries Public in Arrappahoe county in certain cases," and instruct me to report the same back to the House with the following amendment: Insert after the word "seal" in the fourth line of section first, the following words: "if otherwise regular and valid," and with such amendment, recommend its passage.

JOHN T. BURRIS,
Chairman.

Report of Mr. Guthrie, Chairman from Committee on Accounts:

The Committee on Accounts, to whom has been presented certain accounts for printing, report favorably in the allowance of the following Bills, to wit:

C. W. Helm & Co., for printing proclamation, November, A. D. 1860.—\$36.00.

Samuel A. Medary, for printing ordered by the Legislative Assembly, A. D. 1860.—\$110.00.

For printing ordered by the Legislative Assembly of A. D. 1861.—\$20.00.

W. W. GUTHRIE,
for the Committee.

Report of Mr. Bowker, Chairman, from Committee on Engrossed Bills:

[The Committee on Engrossed Bills] have examined House Bill No. 72; also, House Bill No. 69, and find the same correctly engrossed.

W. C. BOWKER,
Chairman.

On motion of Mr. Coffinberry,

The rules were suspended, and

House Bill No. 111, was

Considered engrossed, and

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—28. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Greer, Graves, Humber, Hanway, Hawkins, Kean, Markham, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson and Winchell.

So the Bill passed.

The title was agreed to.

On motion of Mr. Markham,

The rules were suspended, and

House Bill No. 123 was taken up and

Read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—25. Nays—none.

Those voting in the affirmative were

Messrs. Bowker, Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Kean, Lillie, Lines, Markham, Miller, McCook, Pierce, Roberts, Simpson, Starns, Williams, Wilson and Winchell.

So the Bill passed, and

The title agreed to.

Mr. Greer moved that the rules be suspended, and Council Bill No. 65 be taken up.

Mr. Guthrie moved to amend by taking up morning orders.

Mr. Deitzler moved to amend by placing names of members in a hat, and drawn therefrom, and each member as his name is drawn, be allowed to call up three Bills.

Lost.

Mr. Guthrie's amendment prevailed, and

Motion as amended, adopted.

Mr. Simpson presented the petition of John Sharkey and twelve others, for a Territorial road from Paola via Osawatomie and other points named, to some point on the Neosho.

Referred to Committee on Roads and Highways.

Mr. Guthrie presented Joint Resolution memorializing Congress relative to Claims.

Read first time.

Mr. Dunton presented petition of A. Barry, praying for an appropriation.

Referred to Committee on Claims.

Mr. Bailey, Chairman from Committee on Corporations and Banking, made the following report:

The Committee on Corporations and Banking, to whom was referred House Bill No. 200, entitled "An Act supplemental to an Act entitled 'An Act to incorporate the city of Palermo in Kansas Territory,'" approved February 14, 1857, have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 108, entitled "An Act to incorporate the Leavenworth and Smoky Hill Express Company," have had the

same under consideration, and I am instructed to report the Bill back to the House negatived.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 195, entitled "An Act to incorporate the Kansas Hydraulic and Manufacturing Company," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred House Bill No. 182, entitled "An Act to incorporate the Episcopal Female Seminary of Topeka," have had the same under consideration, and I am instructed to report the Bill back to the House with amendment.

D. H. BAILEY,
Chairman.

The Committee on Corporations and Banking, to whom was referred Council Bill No. 38, entitled "An Act to incorporate the Commercial Bank of Kansas," have had the same under consideration, and I am instructed to report the Bill back to the House as committed.

D. H. BAILEY,
Chairman.

Report of Mr. Snoddy, Chairman, from Committee on Enrolled Bills :

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 201, entitled "An Act to divorce Almarrinda F. Todd from Henry R. Todd;"

Also, House Bill No. 142, entitled "An Act defining the northern boundary line of Breckinridge county and other purposes;"

Also, House Bill No. 149, entitled "An Act to provide for the assessment and collection of taxes, approved February 23d, 1860, so far as the same relates to the city of Leavenworth, and for other purposes;"

Also, House Bill No 141, entitled "An Act to incorporate a Ferry across the Grasshopper River," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER :—The Chairman of the Committee on Enrolled Bills presented House Bill No. 103, entitled “An Act to incorporate the Suffolk Mining Company;”

Also, House Bill No. 74, “An Act to abolish the office of Register of Deeds of the City of Lawrence;”

Also, House Bill No. 66, entitled “An Act to detach that portion of township ten, in range eight, lying and being in Davis county, from said Davis county and to attach the same to Riley county;”

Also, House Bill No. 99, entitled “An Act to legalize the assessment of taxes in the city of Lawrence, and for the sale of certain property, by said city of Lawrence to the county of Douglas;”

Also, House Bill No. 102, entitled “An Act to change the name of the Cinnabar Mining Company;”

Also, House Bill No. 95, entitled “An Act to protect game in Leavenworth county;”

Also, House Bill No. 129, entitled “An Act defining the extra officers of the Council and House of Representatives, and fixing their salaries;”

Also, House Bill No. 172, entitled “An Act to provide for the payment of extra officers of the Legislative Assembly of the Territory for the session of 1861, and for transcribing the Journals;”

Also, House Bill No. 26, entitled “An Act to divorce Sabra J. Wells from Alpheus Wells;”

Also, House Bill No. 30, entitled “An Act divorcing George M. Bittman and Catharine Bittman,” to the Governor for his signature, on Wednesday, January 30, 1861.

JOHN T. SNODDY,
Chairman.

On motion of Mr. Hanway,

The Bill relative to the claim of Moulten G. Farnham, was withdrawn from Committee on Claims and referred to Committee on Judiciary.

Mr. Hawkins, Chairman, from Special Committee, to whom was referred House Bill No. 58, reported the same back to the House, with amendments, and recommended its passage.

Report of Mr. Burris, Chairman from the Committee on Judiciary :

MR. SPEAKER :—The Committee on Judiciary have had under consideration Council Bill No. 53, “An Act divorcing Lucy Van

Tiffin and Schuyler Van Tiffin," and beg leave to report, that the applicant is a resident of Leavenworth City and has been a resident of this Territory for 18 months past, that she and the said Schuyler Van Tiffin were joined in marriage, in the year 1851; that the applicant has conducted herself in a proper manner, toward her husband, the said Schuyler; and that he has abandoned his wife, the applicant, without any just cause; that she is dependent entirely upon her own labor and her own private funds for a support. The Committee are unable to report from the evidence before them, whether there are any children, as the fruits of said marriage above referred to. The Committee therefore report the above fact, together with said Council Bill No. 53, to the House, without recommendation.

JOHN T. BURRIS,
Chairman.

Council Bill No. 81, entitled "An Act to incorporate the Medary Ferry Town Company and to authorize the construction of a Mill Dam," which was

Read first time.

Also, Council Bill No. 94, entitled "An Act to extend the time for the payment of Taxes in Douglas County," which was

Read first time.

Also, Council Bill No. 41, entitled "An Act to release the several Counties of this Territory, from the payment of certain taxes," which was

Read first time.

Also, Council Bill No. 70, entitled "An Act to incorporate the Pacific Lodge No. 29, of Ancient Free and Accepted Masons," which was

Read first time.

Also, Council Bill No. 62, entitled "An Act to amend an Act entitled, 'An Act to incorporate the Blue River Bridge Company,'" which was

Read first time.

Also, Council Bill No. 59, entitled "An Act to amend an Act creating and organizing the County of Irving," which was

Read first time.

Also, Council Bill No. 72, entitled "An Act to amend an Act entitled, 'An Act to define the duties of Justices of the Peace,' approved February 10, 1859," which was

Read first time.

Also, Council Bill No. 48, entitled "An Act to establish a Ferry across the Smoky Hill river, at the mouth of Turkey creek," which was

Read first time.

Mr. Guthrie introduced House Bill No. 210, entitled "An Act amending an Act entitled 'An Act to incorporate the Leavenworth City Water Works Company,'" which was

Read first time.

Mr. Simpson introduced House Bill No. 211, entitled "An Act to legalize the official acts of Thomas Totten as a justice of the peace in and for Paola township, Lykins county, Kansas Territory," which was

Read first time.

Also, House Bill No. 212, entitled "An Act to establish a Territorial road from Wyandott to Paola," which was

Read first time.

Mr. Graves introduced House Bill No. 213, entitled "An Act defining the Southern boundary of Woodson county," which was

Read first time.

Mr. Deitzler introduced House Bill No. 214, entitled "An Act to repeal section 621 of an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved February 11, 1859, which was

Read first time.

Mr. Deitzler introduced House Bill No. 215, entitled "An Act to authorize Timothy Reardon to build a bridge across Solomon Fork of Smoky Hill River, at the town of Reeder," which was

Read first time.

On motion of Mr. Winchell,

Rules were suspended, and all the Council and House Bills read first time this morning, were

Read second time and referred.

Council Bill No. 72,

Read second time and

Referred to Committee on Judiciary.

Also, Council Bill No. 48,

Read second time and

Referred to the Committee on Corporations.

Also, Council Bill No. 58,

Read second time and

Referred to Committee on Counties and County Lines.

Also, Council Bill No. 59,

Read second time and

Referred to Committee on Corporations and Banking.

Council Bill No. 62,

Read second time and

Referred to Committee on Corporations and Banking.

Council Bill No. 70, was

Read second time and

Referred to Committee on Corporations and Banking.

Also, Council Bill No. 41, was

Read second time and

Referred to Committee on Judiciary.

Council Bill No. 94, was

Read second time and

Referred to Committee on Judiciary.

Also, Council Bill No. 81, was

Read second time and

Referred to Committee on Corporations.

House Bill No. 214, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 213, was

Read second time and

Referred to Committee on Counties and County Lines.

Also, House Bill No. 212, was

Read second time and

Referred to Committee on Roads and Highways.

House Bill No. 211, was

Read second time and

Referred to Committee on Judiciary.

Also, House Bill No. 210, was

Read second time and

Referred to Committee on Counties and County Lines.

Also, House Bill No. 215, was

Read second time and

Referred to Committee on Counties and County Lines.

Mr. Deitzler introduced House Bill No. 216, entitled "An Act

to prohibit the recording of deeds, and other instruments, in the Land District Recorders' offices, in Kansas Territory," approved February 2d, 1860, which was

Read first and second times, and

Referred to Committee on Judiciary.

Mr. Graves introduced House Bill No. 217, entitled "An Act to provide for defraying the expenses of District Courts in counties attached to other counties for judicial purposes," which was

Read first time.

Also, House Bill No. 218, entitled "An Act to change the name of Oliver Peirce to Oliver Young," which was

Read first time.

On motion, Council Bill No. 7, entitled "An Act to legalize the assessment of Taxes in Pottawattamie county," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—25. Nays—none.

Those voting in the affirmative were

Messrs. Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Dunton, Evans, Fairchild, Greer, Graves, Hanway, Hawkins, Kean, Lillie, Lines, Markham, Miller, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

On motion, House Bill No. 38, entitled "An Act to change the name of John William Hobbs to John William Harman," was amended, by unanimous consent, so as to spell the name of "Harman," wherever it occurs, "Harmon," and

Read third time.

The question being " Shall the Bill pass?" the vote resulted as follows :

Yeas—24. Nays—5.

Those voting in the affirmative were

Messrs. Bowker, Buckmaster, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Markham, McCook, Roberts, Starns, Thoman, Williams, Wilson, Winchell.

Those voting in the negative were

Messrs. Bailey, Burris, Greer, Snoddy, Simpson.

So the Bill passed.

The title was agreed to.

Message from the Council :

MR. SPEAKER: I am directed to notify the House that the Council have concurred in House amendments to Council Bill No. 3, " An Act to extend the time for paying taxes."

Also, that they have passed House Bill No. 153, " An Act to amend an Act to incorporate and establish the City of Leavenworth," &c.

Also, to amend An Act amendatory of said Act, approved February 27th, 1860, without amendment.

Also, Council Bill No. 44, " Providing for the viewing and locating a Territorial Road, from the city of Atchison to the Nebraska line."

Council Bill No. 56, " An Act to divorce David R. Metcalf from B. Emily Metcalf;"

And Council Bill No. 85, " An Act to incorporate all the inhabitants of Shawnee, in Johnson county, Kansas," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

On motion, House Bill No. 72, entitled " An Act to repeal sections 93, 94 and 95, and fourth subdivision of section 115, of An Act entitled ' An Act to regulate the jurisdiction and procedure before a Justice of the Peace, and the duties of Constables in civil cases,' " was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—29. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Markham, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

The title was changed so as to read Justices of the Peace, instead of a Justice of the Peace.

Agreed to.

On motion, House Bill No. 69, entitled "An Act legalizing the official acts of Notaries Public in Arrapahoe county, in certain cases," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—22. Nays—5.

Those voting in the affirmative were

Messrs. Bowker, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Hawkins, Kean, Lakin, Lines, Markham, McCook, Roberts, Snoddy, Starns, Thoman, Winchell.

Those voting in the negative were

Messrs. Bailey, Fairchild, Humber, Simpson, Williams, Winchell.

So the Bill passed.

The title was agreed to.

Mr. Roberts introduced House Bill No. 219, which was
Read first time, and,

On motion rules were suspended, and

Bill read a second and third times.

The question being "Shall the Bill pass?" the vote resulted
as follows:

Yeas—28. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Buckmaster, Burnett, Burris, Coffinberry,
Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer,
Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Markham,
McCook, Roberts, Snoddy, Simpson, Thoman, Williams, Wil-
son, Winchell.

So the Bill passed.

Title was agreed to.

The following bills:

House Bill No. 173, entitled "An Act incorporating the Law-
rence Ferry Company ;"

Also, Council Bill No. 4, entitled "An Act to incorporate the
Glendale Town Company ;"

Also, House Bill No. 45, entitled "An Act divorcing Mary-
Ann Allen and Ezra G. Allen," being under consideration,

The House went into Committee of the Whole.

Mr. McCook in the Chair.

The Committee of the Whole having disposed of all the Bills
referred to, it arose, and reported to the House through its
Chairman,

House Bill No. 173, without amendment.

Also, Council Bill No. 4, and House Bill No. 45, without amendment.

On motion of Mr. Deitzler,

Report of Committee of the Whole was agreed to.

On motion of Mr. Simpson,

House Bill No. 183, Council Bill No. 4, and House Bill No. 45, were considered engrossed, and

Read a third time.

The question being, "Shall House Bill No. 173 pass?" the vote resulted as follows:

Yeas—27. Nays—2.

Those voting in the affirmative were:

Messrs. Bailey, Bowker, Buckmaster, Burris, Coffinberry, Cowles Deitzler, Dunton, Fairchild, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lillie, Lines, Markham, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Williams, Wilson, Winchell.

Messrs. Evans and Starns voted in the negative.

So the Bill passed.

The title was agreed to.

Council Bill No. 4, entitled "An Act to incorporate the Glendale Town Company," having been

Read third time,

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—26. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Greer, Graves, Hanway, Hawkins, Kean,

Lakin, Lillie, Lines, Markham, McCook, Pierce, Roberts, Snoddy, Starns, Thoman, Williams, Wilson and Winchell.

And so the Bill passed.

The title was agreed to.

House Bill No. 45, entitled "An Act divorcing Mary Ann Allen and Ezra G. Allen," having been

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—16. Nays—11.

Those voting in the affirmative were

Messrs. Burnett, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lillie, Miller, McCook, Roberts, Snoddy, Thoman and Winchell.

Those voting in the negative were

Messrs. Bowker, Burris, Coffinberry, Gillpatrick, Hanway, Lines, Markham, Pierce, Starns and Wilson.

So the Bill passed and

Title agreed to.

Mr. Gillpatrick offered the following resolution :

CONCURRENT RESOLUTION IN RELATION TO CLAIMS.

WHEREAS, The citizens of Kansas, during the political troubles which prevailed in our Territory during the early part of its history, suffered greatly in the loss of property, *many* of them having lost all, or nearly all they possessed ; therefore,

Resolved, By the House, (the Council concurring,) That we most earnestly but respectfully urge upon Congress, that a sufficient appropriation be made, either in land or money, to meet the *just* losses thus sustained by our citizens ; and that a copy of this Preamble and Resolution be forwarded to our delegate in Congress by the President of the Council and the Speaker of the House, and that he be respectfully requested to urge upon Congress the necessity and justice of such an appropriation.

Mr. Gillpatrick moved the rules be suspended, and the resolution be considered now.

Lost.

On motion of Mr. Winchell,

House Bill No. 174 was placed on general orders.

House Bill No. 174, "An Act to amend an Act establishing a Bank at Lawrence, Leavenworth and Wyandott," approved February 11, 1858 ;

Also, House Bill No. 75, "An Act to incorporate the South Tecumseh Town Association ;"

Also, House Bill No. 101, "An Act for the encouragement of Wool growing ;" being under consideration,

The House went into Committee of the Whole.

Mr. Winchell in the chair.

The Committee of the Whole, having disposed of all the Bills referred to it, arose, and reported, through its Chairman,

House Bill No. 174, without amendment ;

Also, House Bill No. 75, without amendment ;

Also, House Bill No. 101, with the information that they had stricken out the enacting clause.

On motion of Mr. Winchell,

The report was considered separately on each Bill.

The report on House Bills Nos. 75 and 174, was agreed to.

Also, the report on House Bill No. 101, was agreed to.

On motion of Mr. Deitzler,

The rules were suspended, and

House Bill No. 174, entitled "An Act to amend an Act establishing a Bank at Lawrence, Leavenworth and Wyandott," approved February 11, 1858, was

Read third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—16. Nays—7.

Those voting in the affirmative were

Messrs. Bailey, Buckmaster, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Hanway, Kean, Pierce, Roberts, Thoman and Winchell.

Those voting in the negative were

Messrs. Bowker, Greer, Graves, Lakin, Snoddy, Simpson and Wilson.

So the Bill passed and

The title agreed to.

On motion of Mr. Deitzler,

The rules were suspended, and

House Bill No. 75, entitled " An Act to incorporate the South Tecumseh Town Association," was

Read third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—19. Nays—1.

Those voting in the affirmative were

Messrs. Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Graves, Hanway, Kean, Lakin, Lillie, Pierce, Roberts, Snoddy, Thoman, Wilson and Winchell,

Mr. Buckmaster voted in the negative.

So the Bill passed and

Title agreed to.

On motion of Mr. Winchell,

The rules were suspended, and

House Bill No. 182, Council Bill No. 85 and House Bill No. 145, were

Read third time.

Council Bill No. 85, entitled "An Act to incorporate the inhabitants of Shawnee, in Johnson county, Kansas," having been read,

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—22. Nays—none.

Those voting in the affirmative were

Messrs. Bowker, Burnett, Burris, Coffiberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Lillie, Lines, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Wilson, Winchell.

So the Bill passed and

Title agreed to.

House Bill No. 182, having been

Read third time.

The question was "Shall the Bill pass?" The vote resulted as follows:

Yeas—20. Nays—none.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Burnett, Burris, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Miller, Pierce, Roberts, Snoddy, Simpson, Thoman, Wilson, Winchell.

So the Bill passed and

Title agreed to.

House Bill No. 145, having been

Read third time,

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—20. Nays—none.

Those voting in the affirmative were

Messrs. Bowker, Burnett, Burris, Coffinberry, Deitzler, Evans, Guthrie, Greer, Graves, Hanway, Lines, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Wilson and Winchell.

So the Bill passed and

Title agreed to.

On motion of Mr. Scott,

House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—21. Nays—1.

Those voting in the affirmative were

Messrs. Bowker, Burnett, Burris, Coffinberry, Deitzler, Duntton, Evans, Guthrie, Greer, Graves, Hanway, Lillie, Lines, Miller, Pierce, Roberts, Snoddy, Simpson, Thoman, Wilson and Winchell.

So the Bill passed and

Title agreed to.

Mr. Lines moved to adjourn until this afternoon at three o'clock, to hold a Special Session.

Mr. Winchell moved to amend so that the House now adjourn until seven o'clock this evening.

Lost.

Motion prevailed, and

House adjourned until three o'clock this afternoon.

AFTERNOON SESSION.

THREE O'CLOCK, P. M.

House called to order.

Speaker in the Chair.

Quorum present.

On motion of Mr. Roberts,

Council Bill No. 53, entitled "An Act to divorce Lucy Van Tiffin and Schuyler Van Tiffin," was taken up,

The rules suspended, and

Bill considered Engrossed and

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—13. Nays—7.

Those voting in the affirmative were

Messrs. Anderson, Cowles, Deitzler, Dunton, Fairchild, Kean, Markham, Miller, McCook, Roberts, Snoddy, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Graves, Hanway, Lakin, Snoddy and Wilson.

So the Bill passed.

Title was agreed to.

On motion of Mr. ———,

Rules were suspended and

House Bills Nos. 35, 36, 135 and 127, were taken up.

House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Jane Spinney," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—15. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Cowles, Deitzler, Dunton, Fairchild, Graves, Hanway, Kean, Markham, McCook, Roberts, Snoddy, Simpson, Thoman, Winchell,

Those voting in the negative were

Messrs. Bowker, Buckmaster, Lakin, Starns and Winchell.

So the Bill passed.

Title was agreed to.

House Bill No. 36, entitled "An Act divorcing Clark M. Lewis and Sarah Lewis," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—12. Nays—11.

Those voting in the affirmative were

Messrs. Anderson, Cowles, Deitzler, Dunton, Fairchild, Graves, Kean, McCook, Roberts, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Burris, Evans, Hanway, Hawkins, Lakin, Markham, Pierce, Starns, Wilson.

So the Bill passed.

The title was agreed to.

House Bill No. 127, entitled "An Act to incorporate the New York Mining and Tunneling Company," was

Read third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—23. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lakin, Markham, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Buckmaster and Hanway.

So the the Bill passed.

Title was agreed to.

House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association," was

Read third time.

The question being " Shall the bill pass ? " the vote resulted as follows :

Yeas—22. Nays—None.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Cowles, Deitzler, Dunton, Fairchild, Greer, Graves, Hanway, Hawkins, Markham, McCook, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Winchell.

So the Bill passed.

The title was agreed to.

Mr. Cowles moved, that the rules be suspended, and House Bill No. 23, Council Bills Nos. 5 and 15, be taken up.

Motion prevailed.

Council Bill No. 23, entitled "An Act to divorce James P. Whitney and Harriet N. Whitney," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—24. Nays—3.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lakin, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Starns, Thoman, Winchell.

Those voting in the negative were

Messrs. Burris, Humber, Hanway.

So the Bill passed.

The title was agreed to.

Council Bill No. 5, entitled "An Act to divorce Mary Hough and Henry C. Hough," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—19. Nays—8.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Graves, Humber, Hawkins, Kean, Lakin, McCook, Roberts, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Hanway, Markham, Pierce, Snoddy, Starns and Wilson.

And so the Bill passed.

The title was agreed to.

Council Bill No. 15, entitled "An Act to divorce William West and Mary Ann West," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—16. Nays—10.

Those voting in the affirmative were

Messrs. Anderson, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Graves, Humber, Hawkins, Kean, Lakin, Miller, McCook, Roberts, Simpson, Thoman.

Those voting in the negative were

Messrs. Bailey, Bowker, Buckmaster, Burnett, Hanway, Markham, Pierce, Starns, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER :—I am instructed to notify the House, that the Council have passed House Bill No. 14, "An Act to legalize certain official acts of Notaries Public ;"

Also, House Bill No. 174, "To amend an Act establishing Banks at Lawrence, Leavenworth and Wyandott ;"

Also, House Bill No. 219, "supplementary to an Act to incorporate the Wyandott Lodge of Ancient Free and Accepted Masons ;" without amendment.

JOHN J. INGALLS,
Secretary.

MR. SPEAKER:—I am directed to notify the House, that the Council have passed Council Bill No. 82, "An Act divorcing Rosanna Murphy and Edward Murphy," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Burris, from Committee on Judiciary, submitted the following report:

MR. SPEAKER:—The Committee on Judiciary have had under consideration Council Bill No. 8, "An Act regulating the fees of officers, jurors and witnesses, and for other purposes," and instruct me to report the same back to the House, without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER:—The Committee on Judiciary have had under consideration Council Bill No. 9, "An Act to divorce Ruducia F. Stevens," and would ask leave to report that the evidence adduced before them is not of such a character as would be received in the courts; is of such a character as to satisfy the minds of the members of your committee, beyond a reasonable doubt, that the applicant has been abandoned by her husband, without any just cause; that such abandonment took place some three years since; that the applicant is a resident of the Territory of Kansas, and that there are no children, the fruits of such marriage. The Committee report the Bill back, without amendment.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Bailey,

Council Bill No. 8, entitled "An Act regulating the fees of officers, jurors and witnesses, and for other purposes," was taken up,

Read first, second and third times.

The question being, "Shall the bill pass?" the vote resulted as follows:

Yeas—20. Nays—2.

Those voting in the affirmative were

Messrs. Bailey, Bowker, Buckmaster, Burris, Cowles, Deitzler,

Dunton, Fairchild, Greer, Humber, Lillie, Markham, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Wilson, Winchell.

Messrs. Graves and Lines voting in the negative.

So the Bill passed.

And the title was agreed to.

Report of Mr. Snoddy, Chairman, from Committee on Enrolled Bills :

MR. SPEAKER :—The Chairman of the Committee on Enrolled Bills presented House Bill No. 179, entitled "An Act to prevent the payment of certain bonds purporting to have been issued under the provisions of an Act entitled 'An Act to provide for funding the indebtedness of the Territory,' approved February 11, 1859, and certain warrants and certificates, purporting to have been drawn under the provisions of an Act entitled 'An Act to provide for the adjustment and payment of Claims,' approved February 7, 1859, and an Act supplementary to an Act entitled 'An Act to provide for the payment of Claims,' approved February 11, 1859 ;"

Also, House Bill No. 201, entitled "An Act to divorce Almarinda F. Todd from Henry R. Todd ;"

Also, House Bill No. 42, entitled "An Act defining the Southern boundary line of Breckinridge county, and for other purposes ;"

Also, House Bill No. 149, entitled "An Act to provide for the assessment and collection of Taxes, approved February 23, 1860, so far as the same relates to the city of Leavenworth, and for other purposes ;"

Also, House Bill No. 141, entitled "An Act to incorporate a Ferry across the Grasshopper river," to the Governor, for his approval, on Thursday, February 31st, 1861.

JOHN T. SNODDY,
Chairman.

Mr. Deitzler moved to indefinitely postpone Council Bill No. 11, until the first of March next.

Upon which the yeas and nays were demanded, with the following result :

Yeas—14. Nays—14.

Those voting in the affirmative were

Messrs. Bowker, Deitzler, Evans, Fairchild, Humber, Kean,

Lakin, Lines, Markham, Miller, Roberts, Snoddy, Starns, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Graves, Hanway, Hawkins, Lillie, Pierce, Thoman, Wilson.

Mr. Deitzler moved a call of the House.

Which motion prevailed.

Mr. Winchell moved that further proceedings, under the call of the House, be dispensed with.

Which motion prevailed.

The question being "Shall the Bill be postponed until the first of March?" the vote resulted as follows :

Yeas—17. Nays—13.

Those voting in the affirmative were

Messrs. Bowker, Deitzler, Evans, Fairchild, Greer, Humber, Kean, Lakin, Lines, Markham, Miller, McCook, Roberts, Snoddy, Simpson, Starns, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Graves, Hanway, Hawkins, Lillie, Pierce, Thoman, Wilson.

So the Bill was postponed.

Mr. Winchell moved that the vote be reconsidered, and that the motion be laid upon the table.

The question being "Shall the motion be laid upon the table?" the vote resulted as follows :

Yeas—17. Nays—13.

Those voting in the affirmative were

Messrs. Bowker, Deitzler, Evans, Fairchild, Greer, Humber,

Kean, Lakin, Lines, Markham, Miller, McCook, Roberts, Snoddy, Simpson, Starns, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Graves, Hanway, Hawkins, Lillie, Pierce, Thoman, Williams.

So the motion to reconsider was laid upon the table.

Mr. Burris, Chairman, from Committee on Judiciary, reported House Bill No. 148, back to the House, without amendment.

On motion, the rules were suspended, and

Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stephens and A. L. Stevens," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—18. Nays—11.

Those voting in the affirmative were

Messrs. Bailey, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Kean, Lillie, Markham, Miller, McCook, Roberts, Simpson, Thoman, Winchell.

Those voting in the negative were

Messrs. Anderson, Bowker, Burris, Hanway, Hawkins, Lakin, Lines, Pierce, Snoddy, Starns, Wilson.

So the Bill passed, and

Title agreed to.

Mr. Deitzler offered the following resolution, which was laid over under the rule:

Resolved, That a Committee of three be appointed, to call upon the Governor and enquire, whether he considers the Legislature of the Territory of Kansas, still a legal body.

Mr. Scott moved to amend, also, to ascertain how long he will consider himself authorized to pay the per diem of the members.

Mr. Buckmaster, Chairman from Committee on Roads and Highways, reported on House Bills Nos. 184, 159, 160, 31, 212, 122, 92, 121, 19 and on an Act to facilitate the erection of a bridge across the Kansas River at Tecumseh; also, House Bill No. 59 and 23.

On motion, the rules were suspended, and

Council Bill No. 12, entitled "An Act to exempt certain lands from the provisions of an Act entitled, 'An Act to incorporate the City of Sumner,'" was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—23. Nays—1.

Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Deitzler, Evans, Fairchild, Greer, Graves, Hanway, Hawkins, Lillie, Markham, Miller, McCook, Pierce, Roberts, Starns, Thoman, Wilson and Winchell.

Those voting in the negative were

Mr. Buckmaster.

Council Bill No. 1, entitled "An Act supplemental to an Act entitled, 'An Act to regulate the taking up and posting of strays,' approved February 2, 1859," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—20. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Buckmaster, Burnett, Burris, Coffinberry,

Cowles, Deitzler, Evans, Fairchild, Graves, Humber, Hanway, Hawkins, Kean, Miller, Pierce, Roberts, Starns, Thoman, Wilson.

Those voting in the negative were

Messrs. Greer, Lillie, Lines, Markham, Winchell.

And so the Bill passed.

The title was agreed to.

By unanimous consent, Mr. Deitzler introduced House Bill No. 202, entitled "An Act for the relief of George Reynolds"

The rules were suspended, and Bill

Read first, second and third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—16. Nays—4.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Evans, Graves, Hanway, McCook, Pierce, Roberts, Starns, Thoman, Wilson.

Those voting in the negative were

Messrs. Guthrie, Humber, Kean, Markham.

So the Bill passed.

The title was agreed to.

By unanimous consent, Mr. Graves introduced House Bill No. 223, entitled "An Act to prevent contagious diseases amongst stock."

The rules were suspended and Bill

Read first, second and third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—27. Nays—1.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Hanway, Kean, Lillie, Lines, Miller, Perry, Roberts, Snoddy, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Mr. Humber.

So the Bill passed, and

The title agreed to.

Mr. Lines offered the following resolution, which was adopted:

Resolved, That the Enrolling Clerk be instructed to prepare ten copies of the Memorial and Resolution adopted in this House on the 29th, inst., and ordered to be forwarded to the several Governors of those States in the West and North, whose Legislatures are now in session.

On motion of Mr. Bailey,

The rules were suspended, and

House Bill No. 29, entitled "An Act divorcing Marcus Mallery and Angeline Mallery," was

Considered engrossed and

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—22. Nays—9.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Kean, Lillie, Markham, Miller, Roberts, Snoddy, Starns, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Buckmaster, Burris, Guthrie, Humber, Hanway, Lakin, Lines, Pierce, Perry.

So the Bill passed, and

Title agreed to.

By consent, Mr. Burris, Chairman from Committee on Judiciary, made the following report :

MR. SPEAKER: The Committee on Judiciary have had under consideration House Bill No. 143, "An Act divorcing Samuel Milligan and Charlotte Milligan," and ask leave to report that the said Samuel Milligan, the applicant, and Charlotte Milligan, were married in the year 1844, and continued to live and cohabit together as husband and wife, until the month of July, 1859, since which time they have lived separate; that, during the time they so lived together as husband and wife, the applicant treated his wife in a kind and affectionate manner; that his said wife is a woman of a peevish, irritable disposition, and during the last three months they so lived and cohabited together, his said wife refused him a bed with her.

All of which is respectfully submitted without amendment.

JOHN T. BURRIS,
Chairman.

MR. SPEAKER: The Committee on Judiciary have had under consideration "An Act for the relief of Moulton G. Farnham," and instruct me to report the same back to the House without amendment, and recommend its passage.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Snoddy,

Rules were suspended, and

Council Bills Nos. 39 and 34 were taken up.

Message from the Governor :

EXECUTIVE OFFICE, K. T., }
January 25th, 1861. }

To the House of Representatives :

I have this day approved House Bills Nos. 103, "An Act to incorporate the Suffolk Mining Company;" 74, "An Act to abolish the office of Register of Deeds of the city of Lawrence;" 30, "An Act divorcing George M. Bittman and Catharine Bitt-

man ;" 102, " An Act to change the name of the Cinnabar Mining Company ;" 26, " An Act entitled An Act to divorce Sabra J. Wells from Alpheus Wells ;" 99, " An Act legalizing the assessment of Taxes in the city of Lawrence, and for the sale of certain property by said city of Lawrence, to the county of Douglas ;" 95, " An Act to protect Game in Leavenworth county ;" 66, " An Act to detach that portion of township ten, in range eight, lying and being in Davis county, from said Davis county, and attach the same to Riley county."

Respectfully,

G. M. BEEBE.

EXECUTIVE OFFICE, K. T., }
January 31st, 1861. }

To the House of Representatives :

I have this day approved House Bills Nos. 129, " An Act defining the extra officers of the Council and House of Representatives, and fixing their salaries ;" 201, An Act to divorce Almairinda F. Todd from Henry R. Todd ;" 42, " An Act defining the southern boundary of Breckinridge county, and other purposes ;" 141, " An Act to charter a Ferry across the Grasshopper river."

Respectfully,

G. M. BEEBE.

Council Bill No. 39, entitled " An Act to provide for the location of the county seat of Franklin county," was

Read third time.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—19. Nays—3.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Fairchild, Guthrie, Graves, Hanway, Hawkins, Kean, Miller, McCook, Perry, Roberts, Snoddy, Thoman, Wilson.

Those voting in the negative were

Messrs. Humber, Lakin, Starns.

So the Bill passed, and

Title agreed to.

On motion, Council Joint Resolution No. 4 was taken up for consideration.

Mr. Winchell moved to indefinitely postpone Council Joint resolution No. 4.

Prevailed.

On motion of Mr. Guthrie,

The rules were suspended, and

House Bill No. 174, entitled "An Act to amend an Act establishing banks at Lawrence, Leavenworth and Wyandott," approved February 11th, 1858, was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—19. Nays—2.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burris, Coffinberry, Cowles, Duntton, Evans, Guthrie, Graves, Hanway, Kean, Lines, Markham, Miller, McCook, Pierce, Roberts, Thoman, Wilson.

Those voting in the negative were

Messrs. Perry, Winchell.

So the Bill passed, and

Title agreed to.

On motion, rules were suspended, and

Council Bill No. 94, entitled "An Act to extend time for the Payment of Taxes of 1860, in Douglas county," was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—20. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burris, Coffinberry, Cowles, Deitzler, Evans, Greer, Graves, Hanway, Hawkins, Lines, Markham, Miller, McCook, Pierce, Perry, Roberts, Starns, Thoman.

So the Bill passed, and

Title agreed to.

By consent, Mr. Pierce introduced House Bill No. 56, which was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—22. Nays—none.

Those voting in the affirmative were

Messrs. Anderson, Bowker, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Hawkins, Kean, Lines, Miller, McCook, Pierce, Perry, Roberts, Starns, Thoman.

So the Bill passed, and

Title agreed to.

Mr. Snoddy, Chairman from Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER: The Committee on Enrolled Bills have examined House Bill No. 153, entitled "An Act to incorporate and establish the City of Leavenworth, &c.; also, to amend an Act amendatory of said Act," approved February 27, 1860; also, House Bill No. 14, entitled "An Act to legalize certain official acts of Notaries Public," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 219, entitled "An Act supplementary to an Act to incorporate Wyandott Lodge, No. 3, Ancient Free and Accepted York Masons;"

Also, House Bill No. 174, entitled "An Act establishing Banks

at Lawrence, Leavenworth and Wyandott," approved February 11th, 1858, and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Burris, Chairman, from Committee on Judiciary, made the following report:

MR. SPEAKER:—The Committee on Judiciary have had under consideration House Bill No. 163, "An Act divorcing Jacob F. Diehm and Mary Diehm," and would ask leave to report that said parties were married and lived together as husband and wife for several years, during all of which time the applicant treated the said Mary Diehm in a kind and affectionate manner and provided for all her wants; that they continued to live and cohabit together as husband and wife until some nine or ten months since, when the said Mary left the applicant without any just cause, and that the applicant is a resident of Kansas. The Committee report the Bill back without recommendation.

JOHN T. BURRIS,
Chairman.

On motion of Mr. Bailey,

The rules were suspended and

House Bills Nos. 195, 159, 160 and 147 were taken up for consideration.

House Bill No. 195, entitled "An Act to incorporate the Kansas Hydraulic and Manufacturing Company," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—21. Nays—5.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Graves, Hanway, Hawkins, Kean, Lines, Miller, McCook, Perry, Roberts, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Buckmaster, Greer, Lakin, Markham, Starns.

So the Bill passed and

Title agreed to.

The rules were suspended and

House Bill No. 159, entitled "An Act to establish a Territorial road," was

Read first, second and third times.

The question being, "Shall the Bill pass?" the vote resulted as follows:

Yeas—24. Nays—4.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Kean, Lillie, Markham, Miller, McCook, Perry, Roberts, Thoman, Wilson, Winchell.

Those voting in the negative were

Messrs. Humber, Lakin, Snoddy, Starns.

So the Bill passed and

Title agreed to.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House that the Council have passed House Bill No. 114, "An Act to establish a Ferry across the Kansas river;"

House Bill No. 4, "An Act to incorporate the Havana City Company;"

House Bill 173, incorporating the Lawrence Ferry Company;

House Bill No. 127, to incorporate the New York Mining and Tunnelling Company, without amendment;

Also, Council Bill 89, to empower aliens to hold and alienate real estate;

Also, that the Council concurs in House amendment to Council Bill No. 39, to locate the county seat of Franklin county;

Also, have passed House Bill No. 123, to amend "An Act to incorporate the White Cloud City Company;"

House Bill No. 117, to incorporate the Geneva Town Company;

House Bill No. 24, to incorporate the City of Marysville, without amendment;

Council Bill 87, to appropriate two hundred and ten dollars, and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Resolved, by the House of Representatives, (the Council concurring therein,) That a list of the officers and members of the Legislative Assembly be prepared, containing the post office address, county, where born, where from to Kansas, age, avocation, married or single, and politics;

And be it further Resolved, That one thousand copies be printed for equal distribution among the said officers and members.

Mr. Guthrie offered the following resolution:

Resolved, By the Council and House of Representatives, (the Governor concurring therein,) That the Legislative Assembly, when it adjourns on the second day of February, A. D. 1861, will adjourn to meet on the first Monday in July, A. D. 1861, at 12 o'clock, M., at Denver city, Arrapahoe county, in this Territory.

On motion of Mr. Deitzler,

House Bill No. 147 was taken up for consideration.

House Bill No. 147, entitled "An Act divorcing Wm. A. Baldwin and Julia Baldwin," was

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—16. Nays—13.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Evans, Greer, Graves, Hawkins, Markham, Miller, McCook, Roberts, Thoman, Williams.

Those voting in the negative were

Messrs. Bowker, Buckmaster, Burris, Guthrie, Humber, Hanway, Lillie, Lines, Pierce, Perry, Snoddy, Starns, Wilson.

So the Bill passed, and

Title agreed to.

On motion of Mr. Guthrie,

House adjourned until to-morrow at 9 o'clock, A. M.

ALFRED GRAY,
Chief Clerk.

FRIDAY, Feb. 1st, 1861, }
NINE O'CLOCK, A. M. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absentees—Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Fairchild, Guthrie, Hanway, Hawkins, Lakin, Lines, Miller, McCook, Reynolds, Snoddy, Simpson, Wilson, Mr. Speaker.

Message from the Council:

MR. SPEAKER :—I am instructed to notify the House, that the Council have passed Council Joint Resolution No. 6, providing for the pay of Henry Morrow;

Council Bill No. 100 “An Act establishing certain Territorial Roads therein named;”

Council Bill No. 98, “An Act to amend an Act entitled ‘An Act concerning divorce [and] alimony;’”

Council Bill No. 93, "An Act divorcing Joseph G. Loring and Sophronia M. Loring ;"

Council Bill No. 101, "An Act divorcing Rebecca E. Smith and George B. Smith ;" and ask your concurrence.

House Bill No. 182, to incorporate the Episcopal Female Seminary at Topeka ;

House Bill No. 29, divorcing Marcus Mallery and Angeline Mallery ;

House Bill No. 151, "An Act establishing a branch department of the Baker University, by the Kansas Educational Association of the Methodist Episcopal Church ;"

House Bill No. 12, "An Act to declare the Smoky Hill Road from Fort Riley to Denver city and Colorado city, a Territorial Road and public highway ;"

House Bill No. 56, "An Act to permanently locate the county seat of Washington county ;"

House Bill No. 73, to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county, K. T. ;

House Bill No. 135, to incorporate the Eudora Seminary Association; without amendment.

JOHN J. INGALLS,
Secretary.

Journal of yesterday read, corrected and approved.

By unanimous consent, Mr. Burris offered the following resolution, which was adopted, the rules being suspended for that purpose :

Resolved, That the Speaker of the House of Representatives be allowed the sum of one hundred dollars ; that the Chief Clerk be allowed the sum of one hundred dollars, and that the first Assistant Clerk be allowed the sum of fifty dollars, for extra services rendered and to be rendered, in finishing up the business of the session.

Mr. Greer moved to suspend morning orders, and take up Council Bill No. 18.

Mr. Lakin, Chairman of Special Committee, offered the following report :

The Committee appointed to investigate the charges made by the gentleman from Anderson (Mr. Gillpatrick,) against the gentleman from Douglas (Mr. Deitzler,) and the private Secretary of the Governor, (Mr. Medary,) have had the subject under

consideration, and beg leave to report that, upon a full hearing of all the evidence, your Committee are convinced that the gentleman from Anderson was laboring under a misapprehension of facts, and that the charges against the gentleman from Douglas (Mr. Deitzler,) and the private Secretary, (Mr. Medary,) are entirely without foundation in fact.

D. L. LAKIN,
Chairman.

Mr. Guthrie moved to amend the motion by suspending morning orders, and that the House proceed to consider general orders on the Calendar.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council has passed House Bill No. 187, "An Act legalizing certain official acts of T. Elwood Smith," without amendment.

JOHN J. INGALLS,
Secretary.

Question was divided.

First question was, "Shall the morning orders be suspended?"

Prevailed.

Mr. Guthrie moved to amend, so as to allow him to introduce a resolution.

Question then was on the motion of Mr. Greer, to take up Council Bill No. 18, which

Prevailed.

Mr. Greer moved that the Bill be considered engrossed, and read a third time, and put upon its final passage.

Mr. Winchell moved for a call of the House, which was
Ordered.

Absentees, were Messrs. Gillpatrick and Simpson.

Mr. McCook moved to suspend further proceedings under the call.

Lost.

Motion of Mr. Winchell prevailed, and the doors, by the Speaker, ordered to be closed, and no member allowed to pass or repass, except under the custody of the Sergeant-at-Arms.

The Sergeant-at-Arms returned with Mr. Gillpatrick.

On motion of Mr. Greer,

Further proceeding under the call of the House were dispensed with.

The question then was on Mr. Greer's motion, that Council Bill No. 18 be considered engrossed, and read a third time, and put upon its final passage.

Mr. Winchell moved that the further consideration of Council Bill No. 18 be postponed,

Upon which the yeas and nays were demanded, with the following result :

Yeas—15. Nays—20.

Those voting in the affirmative were

Messrs. Bailey, Deitzler, Evans, Fairchild, Guthrie, Graves, Hanway, Kean, Markham, Miller, Perry, Reynolds, Starns, Winchell.

Those voting in the negative were

Messrs. Anderson, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Dunton, Greer, Gillpatrick, Humber, Hawkins, Lillie, Lines, McCook, Pierce, Thoman, Williams, Wilson.

So the motion was lost.

Message from the Council :

MR. SPEAKER : I am directed to notify the House that the Council has passed Council Bill No 69, "An Act to repeal an Act and parts of an Act therein named," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. — presented the petition of J. M. Phillips and 164 others, against any change of County lines in Allen county.

Referred to Committee on Counties and County Lines.

Mr. Gillpatrick presented the petition of Mr. Alanson Domane and others for the organization of the Militia in Kansas Territory.

Referred to Committee on Militia.

Mr. Deitzler introduced House Bill No. 224, entitled "An Act divorcing Susan G. Marquette and Stephen M. Marquette."

Mr. Lines presented the following . . .

P R O T E S T .

We, the undersigned, members of the House of Representatives of the Kansas Legislature for 1861, respectfully and earnestly *protest* against the proceedings of this body in reference to divorces, for the following reasons:

First. We believe the marriage institution to be of divine origin, and absolutely indispensable to the security, order and permanence of human society, and that the mutual obligations assumed by man and wife are of too sacred a character to be sun-dered in the hasty and trifling manner that has characterized the proceedings of this House upon this subject.

Second. We further protest against any legislation for the purpose of separating man and wife, except for causes over which the Judiciary of the country has no jurisdiction, because the people of the Territory, through their Representatives, have provided, by law, for the adjudication of matrimonial controversies in the calm, impartial and thorough investigation which can alone be secured by the Courts, and because the practice of nearly all civil governments throughout the world recognize the wisdom and propriety of this arrangement.

Third. We protest, also, against the the action of this body upon the subject under consideration, because they have transcended their powers in dissolving matrimonial bonds in cases where neither party were bona fide residents of the country, and where no evidence was adduced to show that the opposite party had any notice, by publication or otherwise, of the pendency of an application, before this Legislature, for divorce; and further, because the evidence in most, if not all, the cases acted upon by this House have been of a strictly *ex parte* character.

For all these reasons, we solemnly protest against the action, as aforesaid, and ask that the foregoing be spread upon the Journal of the House of Representatives.

Lawrence, February 1st, 1861.

(Signed,) CHAS. B. LINES,
R. GILLPATRICK,
WILLIAM PERRY,
JOHN T. BURRIS,
JOHN T. SNODDY,
WM. E. BOWKER,
GEO. G. PIERCE,
R. M. WILLIAMS,
JAMES HANWAY.

A motion was made that five hundred copies of the protest be printed and distributed among the members of the House.

Lost.

By consent, Mr. Graves presented a petition from David P. Nichols and Frances J. Nichols for divorce.

Bill referred to Committee on Vice and Immorality.

On motion,

Mr. Lines was added to said Committee.

Motion of Mr. Buckmaster to adjourn was lost.

Mr. Lines moved to take a vote on the Bill now pending, and the gentleman from Osage be allowed to make a speech afterwards.

Motion withdrawn.

Mr. Snoddy, from Committee on Enrolled Bills submitted the following report:

MR. SPEAKER :—The Chairman of the Committee on Enrolled Bills presented House Bill No. 153, entitled "An Act to incorporate and establish the City of Leavenworth, &c., also, to amend an Act amendatory of said Act, approved February 27th, 1860;" also, House Bill No. 14, entitled "An Act to legalize certain official acts of Notaries Public;" also, House Bill No. 219, entitled "An Act supplementary to an Act to incorporate Wyandott Lodge No. 3, Ancient Free and Accepted; York Ma-

sons ;" also, House Bill No. 174, entitled "An Act to amend an Act establishing Banks at Lawrence, Leavenworth and Wyandott, approved February 11th, 1858," to the Governor for his approval on Thursday, January 31st, 1861.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 123, entitled "An Act to amend an Act entitled, 'An Act to incorporate the White Cloud City Company,' passed 1858, and the amendments to said Act, and to legalize certain acts therein named ;" also, House Bill No. 151, entitled "An Act establishing a branch department of the Baker University by the Kansas Educational Association of the Methodist Episcopal Church, approved February 2d, 1858 ;" also, House Bill No. 29, entitled "An Act divorcing Marcus Mallery and Angeline Mallery ;" also, House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas River," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House, that the Council have adopted the following order and ask your concurrence.

JOHN J. INGALLS,
Secretary.

WHEREAS, On the 31st day of January, 1861, an Act entitled "An Act to incorporate the New York Mining and Tunnelling Company," passed the Council and House of Representatives by reading the title only, in which there are some of the most unwarrantable provisions ; therefore,

Resolved, That the House of Representatives be most respectfully requested to instruct the Enrolling Clerk to return said Bill to the House or Council, and that the said Bill be retained by the Committee on Enrolled Bills.

Resolved, That the Secretary be directed to transmit a copy of this resolution to the House of Representatives.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House, that the Council have passed House Bill No. 147, "An Act divorcing William A. Baldwin and Julia S. Baldwin ;" also, House Bill No. 35, divorcing A. B. Spinney and Margaret J. Spinney ; also,

House Bill No. 45, "An Act divorcing Mary Ann Allen and Ezra G. Allen;" also, House Bill No. 56, "An Act divorcing Clark W. Lewis and Sarah Lewis," without amendments; also, Council Bill No. 67, divorcing Richard Willoughby and Sophronia Willoughby, and ask your concurrence.

JOHN J. INGALLS,
Secretary.

By consent, Mr. Snoddy submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 173, entitled "An Act to incorporate the Lawrence Ferry Company;" also, House Bill No. 56, entitled "An Act to permanently locate the county seat of Washington County;" also, House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company;" also, House Bill No. 4, entitled "An Act to incorporate the Havana City Company," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Message from the Governor:

EXECUTIVE OFFICE, K. T., }
February 1st, 1861. }

To the House of Representatives:

The following laws, which originated in your House, were approved by me on the 30th ult.: House Bills Nos. 103, 66, 74, 30, 102, 26, 99, 95, and on the 31st ult.: Nos. 129, 172, 201, 42, 141.

By telegraphic announcement, we have learned, that the State of Kansas has been admitted into the Federal Union, and that her Representative has qualified and taken his seat in Congress. Therefore, as the members of the Council and all, save one, of the House of Representatives, are residents within the boundaries of the State, the existence of the Legislative Assembly of the Territory is, in my opinion, terminated. How far your acts, in a legislative capacity, may be warranted by the State Constitution, is a question, with reference to which, there exists great contrariety of opinion. While unwilling myself, to proceed in the discharge of duties of such doubtful propriety, I do not feel at liberty, to take the responsibility of embarrassing your action, by refusing to receive communications by your order, presented to me as the Acting Executive. In this dilemma, I feel, that I can take but one course. Under the third section of the schedule of the Constitution, I am authorized to continue in the discharge of the duties of my department, until superseded by the State

Government. I shall, therefore, without passing upon the merit or demerits of the provisions of communications, received after the 30th ult., return them to the respective House in which they originated, without my approval, for the reason that, in my opinion, under the circumstances, all further legislation by you is impolitic, as calculated to embarrass the already complex state of our governmental affairs.

Under this determination I have the honor to return the accompanying Bills.

Respectfully,

G. M. BEEBE,
Acting Governor.

By consent, Mr. Greer withdrew Council Bill No. 18, "An Act establishing the boundary line between Shawnee and Osage counties."

Mr. Greer offered the following resolution, which was laid on the table:

Resolved, By the House of Representatives, (the Council concurring,) that a joint session of the two Houses be held in the hall of the House this afternoon, at 4 o'clock, for the purpose of electing two United States Senators, for the State of Kansas.

Mr. Miller moved to take up House Bill No. 179, entitled "An Act to prevent the payment of certain bonds, purporting to have been issued under the provisions of An Act entitled 'An Act to provide for funding the debt of the Territory, &c.,'" having been returned by the Governor.

The question being "Shall the bill pass?"

Message from the Council:

MR. SPEAKER: I am directed to notify the House that the Council have passed Council Bill No. 78, "An Act providing for the approving of Official Bonds, in certain cases," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Guthrie asked leave to withdraw House Bill No. 132, entitled "An Act making an appropriation for the payment of O. Root and John R. Swallow, officers and members of the Leavenworth Constitutional Convention."

Mr. McCook moved to postpone the question now pending, until 4 o'clock this afternoon.

Motion prevailed.

The question recurring upon the motion of Mr. Greer, to adopt the resolution presented by him,

Resolution was laid over under the rules.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House, that the Council have passed Council Bill No. 83, "An Act defining the duties of the Treasurer of the Territory of Kansas, in certain cases;" Council Bill 99, "An Act repealing An Act therein named," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Mr. Lines presented the following resolution, which was laid over, under the rule :

Resolved, By the House of Representatives, (the Council concurring,) that a Joint Committee of five on the part of this House, and three on the part of the Council, be appointed to confer with the Governor in reference to the time when the per diem of the members will cease.

Mr. Dunton moved to reconsider the vote by which the resolution relative to memorializing Comptroller at Washington City for mileage, was indefinitely postponed, upon which

The yeas and nays were demanded, with the following result :

Yeas—8. Nays—25.

Those voting in the affirmative

Messrs. Anderson, Burris, Cowles, Dunton, Guthrie, Miller, Pierce, Roberts.

Those voting in the negative

Messrs. Bailey, Bowker, Buckmaster, Burnett, Coffinberry, Deitzler, Evans, Fairchild, Graves, Gillpatrick, Humber, Han-

way, Hawkins, Kean, Lillie, Lines, Markham, McCook, Perry, Snoddy, Starns, Thoman, Williams, Wilson, Winchell.

So the motion was lost.

On motion of Mr. Burris,

The Council Joint Resolution No. 6, appropriating the sum of two hundred dollars to Henry Morrow, was taken up.

Mr. Burris moved to amend by substituting the following, which was adopted:

Resolved, By the House of Representatives, (the Council concurring,) that Henry Morrow be allowed the sum of two hundred dollars out of any money in the treasury not otherwise appropriated, for services rendered in copying the Journals of the Council and House during the present session, to be drawn on the warrants of the presiding officers of the two Houses.

On motion,

House adjourned until three o'clock this afternoon.

AFTERNOON SESSION.

THREE O'CLOCK, P. M.

Quorum present.

Mr. Roberts introduced the following Council Joint Resolution No. 1:

[Not furnished to our copyist.—PRINTER.]

Mr. Roberts, from Committee on Federal Relations, reported on Joint Resolution No. 3, declaratory of the position of Kansas in the pending political crisis.

Mr. Lines presented the petition of W. H. Nichols and others, for the postponement of the time for the payment of taxes.

Also, memorial from citizens of Osage county, asking an ex-

tension for the time for the payment of taxes, and a revision of the ten per cent. penalty for non-payment by the first of June, 1861.

On motion of Mr. Burris,

The Joint Resolution offered by Mr. Greer, this morning, relative to joint session for election of the two Senators for the State of Kansas, was taken from the table.

Mr. Burris moved to adopt the resolution.

The previous question being demanded, the

Yeas and nays were called with the following result :

Yeas—20. Nays—14.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Gillpatrick, Hanway, Hawkins, Lakin, Lillie, Miller, Pierce, Perry, Starns, Thoman, Williams.

Those voting in the negative were

Messrs. Cowles, Fairchild, Guthrie, Greer, Graves, Humber, Kean, Lines, Markham, McCook, Roberts, Snoddy, Wilson and Winchell.

So the previous question was ordered.

Mr. McCook moved a call of the House.

The Chair decided that a call of the House was out of order.

Mr. McCook appealed from the decision of the Chair.

The Chair was sustained.

The question being on the adoption of the resolution, the yeas and nays were demanded, with the following result :

Yeas—20. Nays—14.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Bur-

ris, Coffinberry, Dunton, Evans, Greer, Graves, Gillpatrick, Hanway, Hawkins, Lillie, Lines, Miller, Perry, Thoman.

Those voting in the negative were

Messrs. Cowles, Fairchild, Guthrie, Humber, Kean, Lakin, Markham, McCook, Roberts, Snoddy, Starns, Williams, Wilson, Winchell.

So the resolution was adopted.

Mr. Winchell gave the following reasons for his vote :

I am opposed to the adoption of any resolution involving, in the opinion of many, most serious consequences, without the privilege of discussion. While I take it to be the right of every member and as the right of discussion has been refused, and an attempt is made to force the question to an issue, therefore I vote "No."

Mr. Snoddy gave the following reasons for his vote :

I do not believe we have any authority to legislate upon any question for the State of Kansas ; and, since the Territory of Kansas is no longer in existence, I believe we do not constitute a legal body ; and it would be an act of folly in us to attempt to do what is contemplated in the resolution. I believe we are not a State Legislature, and, if we are, we have no authority to do any act of legislation away from the capital of the State of Kansas. I believe that it is sheer folly to engage in such election ; that it is disgraceful to us as a body, and beneath our dignity as men. And, protesting against engaging in such disgraceful proceedings, and, especially, to being forced to a vote upon it without debate, I vote "No."

JOHN T. SNODDY.

Mr. Burris moved a reconsideration of the vote, and to lay the motion on the table.

On motion of Mr. Deitzler,

A call of the House was ordered.

The yeas and nays were called, with the following result :

Yeas—20. Nays—14.

[Those voting in the affirmative were]

Messrs. Cowles, Deitzler, Fairchild, Guthrie, Greer, Humber, Kean, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Roberts, Snoddy, Starns, Williams, Wilson, Winchell.

[Those voting in the negative were]

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Evans, Gillpatrick, Hanway, Hawkins, Pierce, Thoman.

So the call was sustained.

Mr. Burris moved to suspend the further call of the House.

Yeas and nays demanded, with the following result :

Yeas—14. Nays—21.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Gillpatrick, Hanway, Hawkins, Lillie, Pierce, Thoman.

Those voting in the negative were

Messrs. Cowles, Deitzler, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Kean, Lakin, Lines, Markham, Miller, McCook, Perry, Roberts, Snoddy, Starns, Williams, Wilson, Winchell.

So the motion was lost.

On motion of Mr. Burris,

Further proceedings under the call of the House were dispensed with.

Mr. Deitzler moved that the House do now adjourn,

Upon which the yeas and nays were demanded, with the following result :

Yeas—19. Nays—16.

Those voting in the affirmative were

Messrs. Bowker, Cowles, Deitzler, Evans, Fairchild, Greer, Humber, Kean, Markham, Miller, McCook, Perry, Reynolds, Roberts, Snoddy, Starns, Winchell.

Those voting in the negative were

Messrs. Anderson, Bailey, Buckmaster, Burnett, Burris, Coffinberry, Dunton, Gillpatrick, Hanway, Hawkins, Lakin, Lillie, Lines, Pierce, Thoman, Wilson.

Motion prevailed, and

House adjourned until to-morrow morning at 9 o'clock.

ALFRED GRAY,
Chief Clerk.

SATURDAY, Feb. 2, 1861, }
NINE o'CLOCK A. M. }

House called to order.

Speaker in the chair.

Roll called.

Absentees, Messrs. Bailey, Burnett, Cowles, Evans, Fairchild, Guthrie, Greer, Gillpatrick, Lines, Miller, McCook, Perry, Reynolds, Simpson, Williams, Winchell.

Mr. Snoddy, from Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, presented House Bill No. 123, entitled “An Act to amend an Act to incorporate the White Cloud City Company, passed 1858, and the amendments to said Act, and to legalize certain acts therein named;

Also, House Bill No. 151, entitled "An Act establishing a branch department of the Baker University, by the Kansas Educational Association of the Methodist Episcopal Church," approved February 3, 1858;

Also, House Bill No. 29, entitled "An Act divorcing Marcus Mallery and Angeline Mallery;"

Also, House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas river;"

Also, House Bill No. 173, entitled "An Act to incorporate the Lawrence Ferry Company;"

Also, House Bill No. 56, entitled "An Act to permanently locate the county seat of Washington county;"

Also, House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company;"

Also, House Bill No. 4, entitled "An Act to incorporate the Havana City Company;" to the Governor for his approval, February 1st, 1861.

JOHN T. SNODDY,
Chairman.

MR. SPEAKER:—The Committee on Enrolled Bills have examined House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith;"

House Bill No. 147, entitled "An Act divorcing William A. Baldwin and Julia S. Baldwin;"

Also, House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county, Kansas Territory," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Perry offered the following resolution, in reference to the payment of salary of the Auditor:

[Resolution not furnished to our copyist.—PRINTER.]

On motion of Mr. Lines,

The resolution was referred to a Select Committee of three.

Committee consisting of Messrs. Lines, Perry and Burris.

Mr. Roberts offered the following resolution, which was adopted:

Resolved, By the Council and House of Representatives,

(the Council concurring,) That the two Houses of the Legislative Assembly will adjourn *sine die*, at 6 P. M., this day, February 2d, 1861.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House that the Council concur in House resolution, appropriating two hundred dollars for the payment of Henry Morrow.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Lines,

The resolution presented by him, yesterday, appointing a Committee of five on the part of the House and three on the part of the Council, to confer with the Governor, was taken from the table.

Mr. Miller moved to reconsider the vote by which Concurrent Resolution, adjourning *sine die* at 4 o'clock P. M., was adopted,

Upon which the yeas and nays were demanded, with the following result :

Yeas—22. Nays—9.

Those voting in the affirmative were

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Evans, Guthrie, Greer, Graves, Gillpatrick, Hanway, Hawkins, Lillie, Lines, Markham, Miller, Pierce, Reynolds, Thoman, Wilson.

Those voting in the negative were

Messrs. Fairchild, Humber, Kean, Perry, Roberts, Snoddy, Simpson, Williams, Winchell.

So the motion to reconsider was carried.

Mr. Winchell moved that the resolution be laid upon the table.

The question then was upon the adoption of Concurrent Resolution offered by Mr. Lines, on his motion to adopt.

Motion prevailed, and

Resolution adopted.

Mr. Perry introduced House Bill No. 222, entitled —, which was

Read first time, and

On motion of Mr. Perry,

The rules were suspended, and

Bill read second and third times and

Considered engrossed.

The question being “Shall the Bill pass?” the vote resulted as follows:

Yeas—24. Nays—8.

Those voting in the affirmative

Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Cowles, Deitzler, Evans, Fairchild, Graves, Gillpatrick, Hawkins, Kean, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Reynolds, Starns, Thoman, Winchell.

Those voting in the negative were

Messrs. Anderson, Coffinberry, Guthrie, Hanway, Lakin, Snoddy, Williams, Wilson.

So the Bill passed.

Title was agreed to.

On motion of Mr. Greer,

House Bills Nos. 143 and 163, were taken up.

House Bill No. 143, entitled “An Act divorcing Samuel Milligan and Charlotte Milligan,” was

Read third time.

The question being “Shall the Bill pass?” the vote resulted as follows:

Yeas—20. Nays—12.

Those voting in the affirmative

Messrs. Anderson, Bailey, Bowker, Coffinberry, Deitzler, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lakin, Lillie, Markham, Miller, Pierce, Roberts, Thoman, Winchell.

Those voting in the negative

Messrs. Buckmaster, Burris, Guthrie, Humber, Hanway, Lines, Perry, Reynolds, Simpson, Starns, Williams, Wilson.

So the the Bill passed.

Title was agreed to.

House Bill No. 163, entitled "An Act divorcing Jacob Diehm and Mary Diehm," was

Read a third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—18. Nays—12.

Affirmative—Messrs. Anderson, Coffinberry, Cowles, Deitzler, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lillie, Miller, Pierce, Roberts, Simpson, Starns, Thoman, Winchell.

Negative—Messrs. Bailey, Buckmaster, Burris, Guthrie, Humber, Hanway, Lines, Perry, Reynolds, Williams, Wilson.

So the Bill passed.

The title was agreed to.

Committee on Conference appointed on Concurrent Resolution offered by Mr. Lines, and adopted this morning, were:

Messrs. Lines, Miller, Dunton, Bailey and Evans.

On motion of Mr. Deitzler,

House Bill No. 224, and Council Bills 93 and 67 were taken up.

On motion, rules were suspended.

Council Bill No. 67, entitled "An Act divorcing Richard Willoughby and Sophronia Willoughby," was

Read first, second and third times.

The question being "Shall the Bill pass?"

Message from the Council:

MR. SPEAKER: I am directed to notify the House that the Council have passed Council Bills Nos. 12, "An Act to exempt certain lands from the provisions of an Act entitled 'An Act to incorporate the City of Sumner;'"

Council Bill No. 21, "An Act to repeal an Act entitled 'An Act to create the office of Justice of the Peace in the city of Junction;'"

Council Bill No. 1, "An Act in addition to 'An Act to provide for the taking up and posting of strays;'"

Council Bill No. 5, "An Act to divorce Mary Hough and Henry C. Hough;"

Council Bill No. 53, "An Act to divorce Lucy Van Tiffin and Schuyler Van Tiffin;"

Council Bill No. 4, "An Act to incorporate the Glendale Town Company;"

Council Bill No. 15, "An Act to divorce Wm. West and Mary Ann West;"

Council Bill No. 85, "An Act to incorporate the town of Shawnee, Johnson county, Kansas Territory;"

Council Bill No. 68, "An Act divorcing George W. Lovelace and Sarah Lovelace;"

Council Bill No. 16, "An Act divorcing Ellen Jane Moore;"

Council Bill No. 23, "An Act divorcing James P. Whitney and Harriet N. Whitney;"

All of which were returned by the Acting Governor, without his signature, and have passed the Council by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

Your immediate action upon the same is respectfully solicited.

Also, that the Council concur in House Resolution relative to Committee to wait upon the Governor. Committee:

Messrs. Elder, Mathias and Benton.

JOHN J. INGALLS,
Secretary.

Mr. Winchell moved to take up, in their order, all Bills just reported from the Council and returned by the Governor without his approval.

Prevailed.

Council Bill No. 23, "An Act divorcing James P. Whitney and Harriet N. Whitney;"

The question being “ Shall the Bill pass ? ” the vote resulted as follows :

Yeas—24. Nays—6.

Affirmative—Messrs. Anderson, Bailey, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lillie, Markham, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Winchell.

Negative—Messrs. Burris, Lines, Perry, Reynolds, Williams, Wilson.

So the Bill passed.

The title was agreed to.

Council Bill No. 12, entitled ———, was

Read a third time.

The question being “ Shall the Bill pass, the Governor’s objection notwithstanding ? ” the vote resulted as follows :

Yeas—24. Nays—1.

Affirmative—Messrs. Anderson, Bailey, Buckmaster, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hanway, Hawkins, Markham, Miller, McCook, Pierce, Perry, Roberts, Simpson, Starns, Williams, Wilson, Winchell.

Negative—Mr. Humber.

So the Bill passed.

The title was agreed to.

Council Bill No. 21, entitled ———, was

Read third time,

The question being “ Shall the Bill pass, the Governor’s objection notwithstanding ? ” the result was as follows :

Yeas—26. Nays— none.

Affirmative—Messrs. Anderson, Bailey, Buckmaster, Burnett,

Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Lillie, Miller, McCook, Pierce, Perry, Roberts, Snoddy, Simpson, Starns, Williams, Winchell.

And so the Bill passed,

The title was agreed to.

Council Bill No. 1, entitled "An Act in addition to 'An Act to provide for the taking up and posting of strays,'" was taken up.

The question being "Shall the Bill pass, the Governor's objections notwithstanding?" the vote resulted as follows :

Yeas—20. Nays—3.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Graves, Hanway, Hawkins, Kean, Lillie, Miller, McCook, Roberts, Snoddy, Simpson, Winchell.

Negative—Messrs. Humber, Perry, Starns.

And so the Bill passed.

The title was agreed to.

Council Bill No. 5, entitled "An Act divorcing Henry Hough and Mary C. Hough," was taken up.

The question being "Shall the Bill pass, the Governor's objections notwithstanding?" the vote resulted as follows :

Yeas—20. Nays—10.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Buckmaster, Burris, Guthrie, Humber, Lillie, Lines, Perry, Starns, Williams, Wilson.

And so the Bill passed.

Council Bill No. 53, entitled "An Act divorcing Lucy Van Tiffin and Schuyler Van Tiffin," was taken up.

The question being "Shall the Bill pass, the Governor's objections notwithstanding?" the vote resulted as follows:

Yeas—23. Nays—8.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Humber, Kean, Lakin, Lillie, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Buckmaster, Guthrie, Hanway, Lines, Perry, Starns, Williams, Wilson.

And so the Bill passed.

Title was agreed to.

Council Bill No. 4, entitled "An Act to incorporate the Glendale Town Company," was taken up.

The question being "Shall the Bill pass, the Governor's objection notwithstanding?" the vote resulted as follows:

Yeas—27. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Buckmaster, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Gillpatrick, Humber, Hanway, Hawkins, Kean, Miller, McCook, Pierce, Perry, Roberts, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

Title was agreed to.

Council Bill No. 15, entitled "An Act to divorce William West and Mary Ann West," was taken up.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—22. Nays—10.

Affirmative—Messrs. Anderson, Burnett, Coffinberry, Cowles, Deitzler, Evans, Fairchild, Greer, Graves, Gillpatrick, Hanway, Hawkins, Kean, Lakin, Lillie, Miller, McCook; Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Bailey, Buckmaster, Dunton, Guthrie, Humber, Lines, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

Council Bill No. 85, entitled "An Act to Incorporate the Shawnee Town Company," was taken up.

The question being "Shall the Bill pass, the Governor's objections notwithstanding?" the vote resulted as follows:

Yeas—29. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Buckmaster, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Graves, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Miller, McCook, Pierce, Perry, Reynolds, Roberts, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

Council Bill No. 68, entitled "An Act divorcing Geo. W. Lovelace and Sarah Lovelace," was taken up.

The question being "Shall the Bill pass, the Governor's objection notwithstanding?" the vote resulted as follows:

Yeas—22. Nays—7.

Affirmative—Messrs. Anderson, Bailey, Buckmaster, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Markham, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Guthrie, Humber, Hanway, Lines, Perry, Starns, Wilson.

So the Bill passed.

Title was agreed to.

Council Bill No. 16, entitled "An Act divorcing Ellen Jane Moore," [was taken up.]

The question being "Shall the Bill pass, the Governor's objections notwithstanding?" the vote resulted as follows:

Yeas—23. Nays—7.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Gillpatrick, Hawkins, Kean, Lakin, Markham, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Wilson, Winchell.

Negative—Messrs. Buckmaster, Guthrie, Humber, Hanway, Lines, Perry, Starns.

So the Bill passed.

The title was agreed to.

The question recurring upon the motion to suspend the rules, and [Council] Bills Nos. 67 and 24, and House Bill No. 58, be read first, second and third times,

Motion prevailed.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council has passed House Bill 159 "An Act to establish a Territorial Road," without amendment;

Also, House Bill No. 206 "An Act legalizing certain sales of certain Sheriffs'," with the following amendments: In section 1 strike out line four, entire, and read "in all the counties of this Territory." Amend the title as follows: "An Act to legalize Sheriffs' sales in this Territory, in certain cases," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Council Bill No. 67, entitled "An Act divorcing Richard Willoughby and Sophronia Willoughby," was

Read first, second and third times.

The question being " Shall the Bill pass ? " the vote resulted as follows :

Yeas—18. Nays—14.

Affirmative — Messrs. Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lakin, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Bailey, Buckmaster, Burris, Guthrie, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, Reynolds, Starns, Williams, Wilson.

So the Bill passed and

Title agreed to.

Council Bill No. 93, entitled "An Act divorcing Joseph Loring and Sophronia Loring." Bill was

Read a second time and

On motion, rules were suspended, and Bill.

Read a third time.

The question being " Shall the Bill pass ? " the vote resulted as follows :

Yeas—17. Nays—14.

Affirmative — Messrs. Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lillie, Miller, McCook, Pierce, Roberts, Thoman, Winchell.

Negative—Messrs. Bailey, Buckmaster, Burris, Gillpatrick, Humber, Hanway, Lines, Markham, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

House Bill No. 224, entitled "An Act divorcing Susan E. Marquette and Stephen M. Marquette," was taken up.

On motion, rules were suspended. Bill

Read a second and third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—17. Nays—14.

Affirmative—Messrs. Anderson, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Lillie, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Buckmaster, Burris, Guthrie, Gillpatrick, Humber, Hanway, Lakin, Lines, Markham, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

Mr. Snoddy, from Committee on Enrolled Bills submitted the following report :

MR. SPEAKER : — The Committee on Enrolled Bills have examined House Bill No. 36, entitled "An Act divorcing Clark W. Lewis from Sarah Lewis ;" also, House Bill No. 182, entitled "An Act to incorporate the Episcopal Female Seminary of Topeka ;" also, House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Spinney," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Council Bill No. 26, entitled "An Act divorcing John Van Delft and Laura Van Delft," was taken up.

On motion, Bill was

Read second and third times.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—17. Nays—13.

Affirmative—Messrs. Bailey, Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Hawkins, Kean, Miller, McCook, Pierce, Roberts, Simpson, Thoman.

Negative—Messrs. Buckmaster, Burris, Guthrie, Gillpatrick,

Humber, Hanway, Lakin, Markham, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

Title was agreed to.

On motion, House Bill No. 58, entitled "An Act to amend an Act regulating the running at large of swine, and exempting certain counties therefrom," [was taken up.]

By consent, Atchison and Anderson Counties were inserted in the Bill.

The yeas and nays were demanded with the following result:

Yeas—22. Nays—6.

Affirmative—Messrs. Burnett, Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Gillpatrick, Hanway, Hawkins, Kean, Lillie, Miller, McCook, Pierce, Perry, Reynolds, Simpson, Starns, Thomas, Wilson, Winchell.

Negative—Messrs. Guthrie, Greer, Graves, Humber, Lakin, Markham.

So the Bill passed.

The title agreed to.

On motion of Mr. Miller,

House Bill No. 179, entitled "An Act to prevent the payment of certain bonds, issued under the provisions of an Act entitled 'An Act to provide for the funding of indebtedness of the Territory,' approved February 11th, 1859."

The rules were suspended, and

Bill read by title.

The question being "Shall the Bill pass, the Governor's objections notwithstanding?" the yeas and nays were demanded, with the following result:

Yeas—28. Nays—4.

Yeas—Messrs. Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Kean, Lakin, Lillie, Markham, Miller, Pierce, Reynolds, Roberts, Simpson, Starns, Thoman, Wilson.

Nays—Messrs. McCook, Perry, Williams, Winchell.

So the Bill passed.

The title was agreed to.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House that the Council have passed Council Joint Resolution No. 5, "Declaratory of the sentiments of Kansas toward Missouri, and providing for the election of a Commission," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Scott,

Council Joint Resolution No. 1 was taken up, and,

By consent, was amended so as to be a Concurrent Resolution, and

Adopted, as amended.

Mr. Guthrie moved to take up Joint Resolution offered by him on Thursday.

Motion prevailed.

By consent, the resolution was amended so as to be a Concurrent Resolution.

Mr. Snoddy, Chairman, from Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER :—The Chairman of Committee on Enrolled Bills presented House Bill No. 107, entitled "An Act to legalize certain official acts of T. Elwood Smith ;"

Also, House Bill No. 147, entitled "An Act divorcing William A. Baldwin and Julia S. Baldwin ;"

Also, House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association, of Bloomington, Douglas county, Kansas Territory ;"

Also, House Bill No. 36, entitled "An Act divorcing Clark W. Lewis and Sarah Lewis ;"

Also, House Bill No. 182, entitled "An Act to incorporate the Episcopal Female Seminary, of Topeka ;"

Also, House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Spinney," to the Governor, for his approval, Saturday, February 2, 1861.

JOHN T. SNODDY,
Chairman.

Mr. Gillpatrick moved to amend the resolution by substituting the Concurrent Resolution offered by him on Thursday.

Message from the Governor :

EXECUTIVE OFFICE, K. T., }
February 2d, 1861. }

To the House of Representatives :

I return herewith, without my approval, the following Bills, which originated in your House, to wit :

House Bills Nos. 147, 173, 114, 29, 182, 35, 36, 123, 151, 4, 56, 117, 73, 107.

My objections to each of the above Bills is that, while there is no public necessity demanding their passage, they are calculated to entail upon the community a vast amount of trouble by reason of the uncertainty of their validity.

Respectfully,

G. M. BEEBE.

By consent, Mr. Winchell offered the following resolution :

WHEREAS, The President of the United States, in his last annual message to Congress, recommended to the body the consideration of the propriety of making an appropriation for the relief of the suffering people of Kansas ; and

WHEREAS, A petition of this House, contemplating the preparation of a memorial to Congress asking such appropriation, was referred to a Select Committee, and an adverse report made, on the ground of want of time ; and

WHEREAS, It is now ascertained that Congress is expecting to receive from this body some expression of the wishes of the people of Kansas in regard to an appropriation ; therefore,

Be it resolved, By the House of Representatives, (the Council concurring,) That a Joint Committee be appointed to memorialize Congress for an appropriation for the purpose of supplying the people of Kansas with wheat and other seeds for spring planting, who shall prepare such memorial as soon as practicable, and

that the President and Secretary of the Council, and Speaker and Chief Clerk of the House, be authorized and directed to sign and attest the same, after adjournment of this body, and send a copy to the President of the Senate, and one to the Speaker of the House of Representatives, of the National Congress.

On motion of Mr. Winchell,

Rules were suspended, and resolution adopted.

The question recurring upon the motion of Mr. Gillpatrick,

The yeas and nays were demanded, with the following result:

Yeas—7. Nays—14.

Affirmative—Messrs. Burnett, Gillpatrick, Hanway, Pierce, Reynolds, Roberts, Thoman.

Negative—Messrs. Bailey, Burris, Coffinberry, Deitzler, Guthrie Graves, Humber, Kean, Lakin, Miller, McCook, Snoddy, Simpson, Winchell.

and so the amendment was lost.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed Council Bill No. 8, "An Act regulating the fees of officers, jurors and witnesses;"

Council Bill No. 94, "An Act to extend the time for the payment of taxes in Douglas county, for the year 1869;"

Council Bill No. 9, divorcing Ruducia F Stevens and A. L. Stevens;

House Bill 179, "An Act to prevent the payment of certain bonds purporting to have been issued under the provisions of an Act entitled 'An Act to provide for funding the debt of the Territory.'" &c., by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

Mr. Miller moved to amend the resolution, so as to raise the amount of the appropriation, to [make it] cover claims awarded by the first Commissioners.

Motion as amended adopted.

By consent, Mr. Winchell introduced the following resolution, which was adopted :

Resolved, That the approbation of this House is due to Charles T. K. Prentice, for the faithful manner in which he has discharged his duty as Messenger of the House of Representatives.

On motion of Mr. Graves,

The House adjourned until three o'clock P. M.

AFTERNOON SESSION.

THREE O'CLOCK P. M.

Speaker in the chair.

Quorum present.

Message from the Council :

MR. SPEAKER :—I am directed to notify your honorable body that the Council have passed Council Bill No. 93, "An Act divorcing Joseph G. Loring and Sophronia M. Loring," by the constitutional majority, the objections of the Governor to the contrary notwithstanding, and respectfully [request] your early action on the same.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Winchell,

Council Bill No. 93, entitled "An Act divorcing Joseph G. Loring and Sophronia M. Loring," was taken up, having been returned by the Governor with his objections.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

The yeas and nays were demanded.

The vote resulted as follows:

Yeas—17. Nays—8.

Affirmative—Messrs. Anderson, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Graves, Hawkins, Kean, Lillie, McCook, Pierce, Roberts, Thoman, Winchell.

Negative—Messrs. Buckmaster, Hanway, Lakin, Markham, Reynolds, Starns, Williams, Wilson.

And so the Bill passed, the Governor's objections to the contrary notwithstanding.

The title was agreed to.

On motion of Mr. Pierce,

Rules were suspended, and

Bills returned by the Governor were taken up.

House Bill No. 153, entitled "An Act to amend 'An Act to incorporate the city of Leavenworth,' &c.; also, 'An Act to amend an Act amendatory of an Act,' approved February 27, 1860," was taken up.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—25. Nays—none.

Affirmative—Messrs. Anderson, Bowker, Buckmaster, Burnett, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Humber, Hanway, Hawkins, Kean, Lillie, Miller, McCook, Pierce, Reynolds, Roberts, Starns, Williams, Wilson and Winchell.

And so the Bill passed.

The title was agreed to.

By consent, the resolution offered by Mr. Roberts relative to the adjournment, was taken up, and

On motion of Mr. Winchell,

The resolution was amended so as to read "six o'clock" instead of "four o'clock."

House Bill No. 14, entitled "An Act legalizing certain official acts of Notaries Public," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—24. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Hawkins, Kean, Lillie, Miller, McCook, Pierce, Perry, Simpson, Starns, Thoman, Williams, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 174, entitled "An Act to amend an Act establishing Banks at Lawrence, Leavenworth and Wyandott," enacted February 11, 1858, was read.

The question being "Shall the Bill pass, the Governor's objection to the contrary notwithstanding?" the vote resulted as follows:

Yeas—19. Nays—5.

Affirmative—Messrs. Bailey, Bowker, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Hanway, Hawkins, Lakin, Lillie, Pierce, Roberts, Simpson, Thoman, Winchell.

Negative—Messrs. Anderson, Gillpatrick, McCook, Perry, Starns.

So the Bill passed.

The title was agreed to.

House Bill No. 219, entitled "An Act supplementary to an Act entitled 'An Act to incorporate Wyandott Lodge No. 3, of Ancient, Free and Accepted Masons.'"

The question being, "Shall the Bill pass, the objections of the

Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—22. Nays—1.

Affirmative—Messrs. Anderson, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Graves, Hanway, Gillpatrick, Hanway, Kean, Lillie, Markham, Miller, McCook, Pierce, Perry, Simpson, Starns, Williams, Winchell.

Negative—Mr. Wilson.

So the Bill passed.

The title was agreed to.

Mr. Roberts moved that the Bill be reconsidered.

The yeas and nays were demanded, with the following result :

Yeas—4. Nays—23.

Affirmative—Messrs. Gillpatrick, Hanway, McCook, Starns.

Negative—Messrs. Anderson, Bailey, Buckmaster, Burnett, Coffinberry, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Kean, Lakin, Lillie, Markham, Pierce, Perry, Roberts, Thoman, Williams, Wilson, Winchell.

So the motion was rejected.

Mr. Hanway, Chairman from Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 24, entitled "An Act to incorporate the City of Marysville," and find the same correctly enrolled.

Also, House Bill No. 159, and find the same correctly enrolled.

Also, House Bill No. 135, entitled "An Act to incorporate the Eudora Seminary Association," and find the same correctly enrolled.

JAMES HANWAY,
W. C. DUNTON,
Members of said Committee.

House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas River," was taken up.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—27. Nays—None.

Affirmative—Messrs. Anderson, Bowker, Buckmaster, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Hanway, Kean, Lakin, Lillie, Markham, McCook, Pierce, Perry, Roberts, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 147, entitled "An Act divorcing Wm. H. Baldwin and Julia S. Baldwin," was taken up.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—23. Nays—8.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Kean, Lakin, Lillie, Markham, Miller, McCook, Pierce, Roberts, Thoman, Winchell.

Negative—Messrs. Bowker, Hanway, Lines, Perry, Starns, Williams, Wilson.

And so the Bill passed:

The title was agreed to.

House Bill No. 107, entitled "An Act to legalize certain official Acts of T. Ellwood Smith," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—24. Nays—None.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Hanway, Lilhe, Lines, Markham, McCook, Pierce, Perry, Roberts, Simpson, Starns, Thoman, Williams, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas County, Kansas Territory," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the result was as follows:

Yeas—27. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Lakin, Lillie, Lines, Markham, McCook, Pierce, Perry, Roberts, Starns, Thoman, Williams, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 117, entitled "An Act to incorporate the Geneva Town Company," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—24. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Guthrie, Greer, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, McCook, Pierce, Perry, Roberts, Starns, Thoman, Williams, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 56, entitled "An Act to permanently locate the county seat of Washington county," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—24. Nays—none.

Affirmative—Messrs. Anderson, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, McCook, Pierce, Perry, Roberts, Simpson, Starns, Thoman, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 173, entitled "An Act to incorporate the Lawrence Ferry Company," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—22. Nays—none.

Affirmative—Messrs. Anderson, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Guthrie, Greer, Gillpatrick, Hanway, Lillie, Lines, Markham, McCook, Pierce, Perry, Roberts, Simpson, Starns, Williams, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 4, "An Act to incorporate the Havana City Company," was read.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—23. Nays—none.

Affirmative—Messrs. Anderson, Coffinberry, Cowles, Deitzler,

Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Roberts, Simpson, Starns, Thoman.

So the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council has passed House Bill No. 224, divorcing Susan E. Marquette and Stephen M. Marquette, without amendment;

Also, that the Council concur in House Resolution relative to Memorializing Congress, and have appointed Messrs. Stewart, Palmer and Benton as members of the Joint Committee.

JOHN J. INGALLS,
Secretary.

House Bill No. 154 entitled "An Act establishing a Branch Department of Baker University of the Kansas Educational Association of the Methodist Episcopal Church," approved February 3, 1858, was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—25. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Bowker, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Simpson, Starns, Thoman.

So the Bill passed.

The title was agreed to.

House Bill No. 123, entitled "An Act to amend an Act entitled 'An Act to incorporate the White Cloud City Company,'" was read.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—23. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Simpson, Starns, Thoman, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

House Bill No. 36, entitled "An Act divorcing Clark W. Lewis and Sarah Lewis," was read.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—18. Nays—5.

Affirmative—Messrs. Anderson, Bailey, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Lillie, Miller, Pierce, Thoman, Winchell.

Negative—Messrs. Hanway, Lines, Markham, Perry, Starns.

So the Bill passed.

The title was agreed to.

House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Spinney," was read.

The question was "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—21. Nays—10.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Kean, Lillie, Markham, Miller, McCook, Pierce, Reynolds, Roberts, Snoddy, Simpson, Thoman, Winchell.

Negative—Messrs. Buckmaster, Guthrie, Gillpatrick, Humber, Hanway, Lines, Perry, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

MR. SPEAKER:—I am directed to notify the House, that the Council have passed House Bill No. 145, "An Act to incorporate the Mapleton Academy," without amendment.

JOHN J. INGALLS,
Secretary.

House Bill No. 182, entitled "An Act to incorporate the Episcopal Female Seminary at Topeka;" was read.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—26. Nays—none.

Affirmative—Messrs. Anderson, Bailey, Bowker, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Greer, Graves, Gillpatrick, Humber, Hanway, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Roberts, Starns, Thoman, Williams, Wilson, Winchell.

House Bill No. 29, entitled "An Act divorcing Marcus Mallery and Angeline Mallery;" was read.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" vote resulted as follows:

Yeas—28. Nays—6.

Affirmative—Messrs. Anderson, Bailey, Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Gillpatrick, Hanway, Kean, Lillie, Miller, McCook, Pierce, Roberts, Simpson, Thoman.

Negative—Buckmaster, Guthrie, Humber, Lines, Perry, Williams.

So the Bill passed.

The title was agreed to.

Council Bill No. 8, entitled "An Act regulating the fees of officers, jurors and witnesses, and for other purposes," was read.

Mr. Perry moved to lay the Bill on the table.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council refuse to concur in resolution of House providing for adjournment this evening at six o'clock.

JOHN J. INGALLS,
Secretary.

By consent, Mr. Winchell offered the following resolution, which was adopted:

Resolved, That the Docket Clerk be and is hereby directed to make out a list of all the Acts that have been returned to the House in which they originated, without the Governor's approval, and that have been reconsidered and passed by a two-third vote, and that three hundred copies thereof be printed and distributed to the members and officers of the House of Representatives.

[Message from the Council:]

MR. SPEAKER:—I am instructed to inform your honorable body that the Council has passed House Bill No. 147, "An Act divorcing Wm. A. Baldwin and Julia S. Baldwin."

Also, House Bill No. 4, entitled "An Act to incorporate the Havana City Company."

Also, House Bill No. 73, entitled "An Act to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county."

Also, House Bill No. 82, entitled "An Act to incorporate the Episcopal Female Seminary of Topeka."

Also, House Bill No. 114, entitled "An Act to establish a Ferry across the Kansas river."

Also, House Bill No. 35, entitled "An Act divorcing Anson B. Spinney and Margaret Jane Spinney."

Also, House Bill No. 36, entitled "An Act divorcing Clark W. Lewis and Sarah Lewis."

Also, House Bill No. 174, entitled "An Act to amend an Act establishing banks at Lawrence, Leavenworth and Wyandott," enacted Feb. 11, 1858."

Also, House Bill No. 123, entitled "An Act to amend an Act to incorporate the White Cloud City Company, passed 1858, and the amendments to said Act, and to legalize certain acts therein named."

Also, House Bill 29, entitled "An Act divorcing Marcus Mallery and Angeline Mallery."

Also, House Bill 56, entitled "An Act to permanently locate the county seat of Washington county."

Also, House Bill 159, entitled "An Act to establish a branch-department of Baker University," &c.

Also, House Bill 117, "An Act to incorporate the Geneva Town Company."

Also, House Bill 107, entitled "An Act to legalize certain official acts of T. Elwood Smith."

Also, House Bill 153, entitled "An Act to amend an Act to incorporate and establish the City of Leavenworth," &c.

Also, House Bill entitled "An Act to legalize certain official acts of Notaries Public," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,

Secretary.

Mr. Lines offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to apply to the Governor for a supply of legal paper for the use of the Journal Clerks.

Mr. Burris offered the following resolution which was adopted:

Resolved, That the Standing Committees of the House be discharged from the further consideration of all the bills, petitions and memorials referred to them and not heretofore reported upon.

Mr. Burris moved a reconsideration of the resolution to discharge Committee, which prevailed, and resolution laid on the table.

Committee on Conference made a verbal report and were discharged.

Mr. Winchell offered the following resolution:

Resolved, That, under the existing circumstances, and the doubt which exists as to the legality of the present proceedings of this body, it is due to the interest of our constituents, as well as to our own self-respect, that we avoid all possible legal complications, by a speedy adjournment.

Yeas and nays were demanded with the following result:

Yeas—30. Nays—4.

[Those voting in the affirmative were]

Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Hawkins, Kean, Lakin, Lillie, Lines, Markham, Miller, McCook, Perry, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Winchell.

[Those voting in the negative were]

Messrs. Deitzler, Dunton, Evans, Wilson.

The resolution was adopted.

Mr. Lines offered a concurrent resolution, making an appropriation.

On motion of Mr. Scott,

The resolution was referred to Committee on Ways and Means.

On motion, Mr. Bailey was excused from further services as Chairman of Committee on Corporations and Banking.

Mr. Snoddy, Chairman from Committee on Enrolled Bills, offered the following report :

MR. SPEAKER: The Committee on Enrolled Bills have examined House Bill No. 224, entitled "An Act divorcing Susan E. Marquette and Stephen M. Marquette," also, House Bill No. 45, entitled "An Act divorcing Mary Ann Allen and Ezra G. Allen," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Dunton offered the following resolutions :

WHEREAS, Certain members of the House signed a protest against the action of certain other members in reference to divorces, and had the same spread at length upon the Journal of February 1st ; and

WHEREAS, Said members thus protesting, opposed the appointment of a Special Committee upon Divorces, and thereby prevented a full and thorough investigation of divorce cases ; therefore

Resolved, That said protest be and the same is hereby expunged from the Journal of the House.

On motion of Mr. Winchell,

The House adjourned until 7 o'clock this evening, to hold a special session.

EVENING SESSION.

SEVEN O'CLOCK.

Quorum present.

Message from the Governor :

EXECUTIVE OFFICE, K. T., }
February 2d, 1861. }

To the House of Representatives :

I herewith return to the House in which they originated, House Bills Nos. 45, 224, 159, 135, 24, without my approval. My objection to each of the foregoing Bills is the same as that given in my communication of this A. M.

Respectfully,

G. M. BEEBE.

Mr. Perry offered the following resolution, which was adopted:

Resolved, That the House tender to Col. Charles Clarkson their thanks for the able and efficient manner in which he has performed his duties as Assistant Sergeant-at-Arms during the present session.

Mr. Pierce moved to take up all Bills as returned by the Governor.

Motion prevailed.

Mr. Lines, Chairman from Committee on Ways and Means, offered the following resolution, which was adopted :

Resolved, By the House of Representatives, and the Council concurring, that the following sums be and the same are hereby appropriated for the objects therein named :

For pay of Treasurer and Auditor of the Territory, each sixteen hundred dollars.

The Superintendent of Public Instruction, seventeen hundred dollars, for their respective salaries and office rent.

For the salary and office rent of the Territorial Librarian, two hundred dollars.

Provided, That the foregoing officers shall receive only such proportion of the above appropriation as shall be sufficient to compensate them for their time actually transpiring, while they shall continue to exercise the functions of their respective offices during the year A. D. 1861.

That the sum of ten thousand dollars, or so much thereof as may be necessary for the payment of outstanding scrip or certificates of indebtedness, issued by the officers of either branch of the Legislative Assembly for the years 1858, '59 and '60. The sum of fifty dollars, each to the Rev. Charles Reynolds and Rev. R. Cordley, for services in opening the sessions of this House with prayer.

The further sum of fifty dollars to Rev. Charles Reynolds, for services as chaplain of the Council for the present session; and five hundred dollars for the Territorial Auditor for extra services in closing up the business of his office; and the sum of four hundred and fifty dollars for the payment of expenses and services of the Territorial Board of Equalization for the year 1860; and for extra pay for the Sergeant-at-Arms and Doorkeepers of the two Houses for per diem, that may remain unpaid by the general government on the 4th of March next, at the rate of seven dollars per day; and for extra services of the Sergeant-at-Arms and his assistants in the service of the Investigating Committee, summoning witnesses, &c., and for other expenses connected with the investigation of bonds and warrants founded upon claims, one thousand dollars or so much thereof as may be found necessary, for the purpose aforesaid; the amount allowed to each person, to be ascertained and determined by the presiding officers of the two Houses. And the Auditor of the Territory is hereby required to audit and draw his warrants on the Treasurer, for such sums as may be found to be due under the provisions of the foregoing resolution and the laws therein referred to. The per diem of the officers of the present Legislative Assembly not paid by the General Government to be certified by the presiding officers of the respective Houses, attested by the Chief Clerks, and all claims growing out of Legislative expenses for the present session, to be attested by the Speaker of the House or the President of the Council, which shall be a sufficient voucher for the Auditor to issue his warrants therefor.

The question was on the motion to reconsider the Bills returned by the Governor.

Motion prevailed.

House Bill No. 224, entitled "An Act divorcing Susan E. Marquette and Stephen Marquette," was read.

The question being, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—20. Nays—10.

[Those voting in the affirmative were]

Messrs. Bailey, Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Gillpatrick, Kean, Lakin, Lillie, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

[Those voting in the negative were]

Messrs. Buckmaster, Guthrie, Humber, Hanway, Lines, Markham, Perry, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

House Bill No. 159, "An Act establishing a Territorial road," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—22. Nays—3.

[Those voting in the affirmative were]

Messrs. Bailey, Bowker, Buckmaster, Burnett, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Hanway, Hawkins, Kean, Markham, Miller, McCook, Pierce, Snoddy, Simpson, Thoman, Winchell.

[Those voting in the negative were]

Messrs. Humber, Perry, Starns.

So the Bill passed, and

Title was agreed to.

House Bill No. 135, "An Act to incorporate the Eudora Seminary Association;" was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—26. Nays—1.

[Those voting in the affirmative were]

Messrs. Bailey, Bowker, Burnett, Bnrris, Deitzler, Dunton, Evans, Guthrie, Greer, Graves, Gillpatrick, Hanway, Kean, Lillie, Lines, Markham, Miller, McCook, Pierce, Perry, Roberts, Simpson, Starns, Thoman, Wilson, Winchell.

[Negative]—Mr. Lakin.

So the Bill passed, and

Title was agreed to.

House Bill No. 24, "An Act to incorporate the City of Marysville," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows:

Yeas—29. Nays—none.

[Those voting in the affirmative were]

Messrs. Bailey, Bowker, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Humber, Hanway, Hawkins, Kean, Lakin, Miller, McCook, Pierce, Perry, Roberts, Snoddy, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

So the Bill passed, and

Title was agreed to.

House Bill No. 45, "An Act divorcing Mary Ann Allen and Ezra G. Allen," was read.

The question being "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?" the vote resulted as follows :

Yeas—15. Nays—9.

[Those voting in the affirmative were]

Messrs. Burnett, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Gillpatrick, Miller, McCook, Pierce, Roberts, Simpson, Thoman, Winchell.

[Those voting in the negative were]

Messrs. Bailey, Buckmaster, Hanway, Lines, Markham, Perry, Starns, Williams, Wilson.

So the Bill was rejected.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House that the Council have passed House Bill 157, divorcing Joseph McDonald and Eleanor McDonald, without amendment.

Council Bill No. 104, "An Act legalizing a certain election," and request your concurrence.

Also, House Bill 173, "An Act to incorporate the Lawrence Ferry Company," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

Also, Council Bill No. 105, "An Act divorcing David P. Metcalf and B. Emily Metcalf."

JOHN J. INGALLS,
Secretary.

Mr. Bailey presented the petition of G. J. Parker and one hundred others, for a militia law.

On motion of Mr. Pierce,

The rules were suspended, and

House Bill No. 206, and Council Bill No. 65, were taken up.

House Bill No. 206, "An Act to legalize certain acts of sheriffs of Marshall county," was taken up.

Mr. Pierce moved that the Council amendments be concurred in.

Motion prevailed:

Council Bill No. 65, "An Act establishing a Territorial road from the residence of Judge Wakefield, in Douglas county, westward, via Williamsport to Auburn, in Shawnee county," was taken up.

Bill read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—9. Nays—23.

Yeas—Messrs. Bailey, Bôwker, Buckmaster, Burnett, Greer, Pierce, Roberts, Thoman, Winchell.

Nays—Messrs. Burris, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Graves, Gillpatrick, Humber, Hanway, Hawkins, Lakin, Lillie, Lines, Miller, McCook, Perry, Reynolds, Simpson, Starns, Williams, Wilson.

So the Bill was rejected.

Mr. McCook offered the following resolution, which was adopted:

Resolved, That the thanks of the House are due to the reporters of the *Leavenworth Herald*, *Lawrence Republican* and *Leavenworth Conservative*, for the efficient manner in which they have reported the proceedings of this body.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House that the Council have passed House Bill No. 224, "An Act divorcing Susan E. Marquette and Stephen M. Marquette;"

House Bill No. 159, "An Act to establish a Territorial road," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

Also, that the Council have passed the following resolution, and request your concurrence.

Resolved, By the Council, (the House concurring,) That the two Houses of the Legislative Assembly of Kansas will adjourn, *sine die*, at 10 o'clock P. M., the second day of February, 1861.

JOHN J. INGALLS,
Secretary.

Mr. Burris moved to concur in Council Concurrent Resolution in regard to adjournment.

Carried.

Council Bill No. 101, "An Act divorcing Rebecca J. Smith and Geo. B. Smith," was taken up.

On motion of Mr. McCook,
The rules were suspended, and
Bill read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—15. Nays—10.

Yeas—Messrs. Burnett, Cowles, Deitzler, Dunton, Evans, Fairchild, Greer, Graves, Lillie, Miller, McCook, Roberts, Simpson, Thoman, Winchell.

Nays—Messrs. Bailey, Buckmaster, Gillpatrick, Hanway, Lines, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

Title agreed to.

By consent, Mr. Winchell offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of this House be tendered to the Hon. J. W. Scott, for the promptness, impartiality and uniform courtesy with which he has presided over its deliberations.

On motion of Mr. Bailey,
The rules were suspended, and

Council Bill No. 104, "An Act legalizing certain Elections,"
was

Read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—20. Nays—5.

Yeas—Messrs. Bailey, Buckmaster, Burnett, Burris, Cowles, Deitzler, Dunton, Guthrie, Greer, Graves, Humber, Hanway, McCook, Roberts, Simpson, Starns, Thoman, Williams, Wilson.

Nays—Messrs. Evans, Fairchild, Kean, Markham, Reynolds.

So the Bill passed.

Title was agreed to.

Mr. Burris, Chairman, from Committee on Judiciary, reported certain Bills, and moved that the Committee might be excused.

Prevailed.

Message from the Council :

MR. SPEAKER :—I am directed to notify the House, that the Council recede from Council amendment to House Bill No. 206, "An Act legalizing certain acts of certain Sheriffs ;"

Also, that they have passed House Bill 222, for the relief of H. W. Petriken and L. F. Bruner ;

House Bill No. 135, "An Act to incorporate the Eudora Seminary Association," and

House Bill No. 24, "An Act to incorporate the city of Marysville," by the constitutional majority, the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Guthrie,

The following Concurrent Resolution to Congress, offered by him on Thursday, making an appropriation, was taken up, considered and adopted :

WHEREAS, The early settlers of the Territory of Kansas suffered unusual hardships and great losses of property in consequence of the existence of the political troubles which prevailed so generally in their early history ; and

WHEREAS, We believe that those who suffered in consequence of those difficulties, are justly entitled to remuneration therefor from the General Government, and not from the citizens of the the Territory ; therefore,

Be it resolved by the Legislative Assembly of the Territory of Kansas :

That we hereby memorialize the Congress of the United States to pass an Act appropriating five hundred thousand dollars, or an

amount sufficient for the payment of the claims awarded to the citizens of Kansas by the Claim Commissioners appointed by the Governor and Legislative Assembly of the Territory of Kansas, under Acts of the Territorial Legislature, passed February 7th and 11th, A. D. 1859, and, also, the claims awarded by the Commissioners, under an Act of the Territorial Legislature, approved February 23d, 1857, which were not re-awarded by the Commissioners under the Acts of February 7th and 11th, 1859.

Mr. Gillpatrick moved to strike out "five hundred thousand" and insert "one million,"

Upon which the yeas and nays were demanded, with the following result:

Yeas—6. Nays—16.

Yeas—Messrs. Dunton, Gillpatrick, Lillie, Reynolds, Roberts, Thoman.

Nays—Messrs. Bailey, Bowker, Cowles, Evans, Guthrie, Greer, Graves, Humber, Kean, Lines, McCook, Perry, Snoddy, Simpson, Starns, Winchell.

Motion was lost.

The question being on the Resolution as amended,

The Resolution prevailed.

Mr. Winchell, from Committee on Education, made a report on Council Bill No. 60, with certain amendments.

Message from the Council:

MR. SPEAKER:—I am directed to notify the House, that the Council have passed Council Bill No. 106, "An Act appropriating one thousand dollars to members and officers of the Legislative Assembly of Kansas," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Winchell,

The rules were suspended, and

Council Bill No. 60, "An Act for the organization, supervision and maintenance of Common Schools," was

Read second time.

Considered engrossed.

Read third time.

The question being "Shall the Bill pass?" the vote resulted as follows :

Yeas—30. Nays—2.

Yeas—Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Guthrie, Graves, Humber, Hanway, Kean, Lillie, Lines, Markham, Miller, McCook, Pierce, Reynolds, Simpson, Starns, Thoman, Williams, Wilson, Winchell.

Nays—Messrs. Perry, Roberts.

So the Bill passed and

Title agreed to.

Report of Mr. Snoddy, Chairman, from Committee on Enrolled Bills :

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bill No. 173, entitled "An Act to incorporate the Mining and Tunnelling Company,"

Also, House Bill No. 157, entitled "An Act divorcing Joseph McDonald and Eleanor McDonald," and find them properly enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Deitzler, from Committee on Counties and County Lines, reported on Council Bill No. 19, entitled "An Act changing the boundary line of Chase county," as committed.

By leave, Mr. Humber withdrew House Bill No. 193, entitled "An Act to incorporate the Christian University of Kansas."

On motion of Mr. Greer,

House Bill No. 45 was taken up, being returned by the Governor without his approval.

By consent, Mr. Pierce offered the following resolution, which was lost:

Resolved, That the sum of one hundred dollars be and the same is hereby appropriated, out of any money in the Territorial Treasury, not otherwise appropriated, for the Journal and Enrolling Clerks of this House, each to be entitled to fifty dollars.

Mr. Roberts presented the petition and remonstrance of J. H. Fitch, and others, against any change of Davis county lines, which was

Referred to Committee on Counties and County Lines.

The question being on the reconsideration of House Bill No. 145, "An Act divorcing Mary Ann Allen and Ezra G. Allen,"

The yeas and nays were demanded with the following result:

Yeas—14. Nays—17.

Those voting in the affirmative were

Messrs. Bailey, Burnett, Deitzler, Dunton, Evans, Fairchild, Graves, Kean, Lillie, Miller, Pierce, Roberts, Simpson, Winchell.

Those voting in the negative were

Messrs. Anderson, Bowker, Buckmaster, Coffinberry, Guthrie, Humber, Hanway, Lakin, Lines, Markham, Perry, Starns, Thoman, Williams, Wilson.

So the motion to reconsider was lost.

Council Bill No. 9, entitled "An Act divorcing Ruducia F. Stevens and A. L. Stevens," was taken up, being returned by the Governor without his approval.

The question being "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?"

The yeas and nays were demanded with the following result:

Yeas—15. Nays—15.

Affirmative—Messrs. Anderson, Bailey, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Graves, Hawkins, Lakin, Lillie, Simpson, Thoman, Winchell.

Negative—Messrs. Bowker, Buckmaster, Guthrie, Humber, Hanway, Kean, Lakin, Lines, Markham, Perry, Reynolds, Roberts, Starns, Wilson.

So the Bill was lost.

Council Bill No. 96, entitled "An Act to extend the time for the payment of taxes in Douglas county," was

Read third time.

The question being, "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?" the vote resulted as follows:

Yeas—25. Nays—2.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Humber, Hanway, Hawkins, Kean, Lakin, Lines, Miller, Reynolds, Roberts, Simpson, Thoman, Williams, Wilson.

Negative—Messrs. Guthrie, Perry.

So the Bill passed.

The title was agreed to.

On motion of Mr. Dunton to take the Expunging Resolution, offered this forenoon, from the table,

The yeas and nays were demanded, with the following result:

Yeas—17. Nays—12.

[Those voting in the affirmative were]

Messrs. Anderson, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Kean, Lakin, Lillie, Miller, Simpson, Thoman, Wilson, Winchell.

[Those voting in the negative were]

Messrs. Bailey, Buckmaster, Burris, Graves, Humber, Hanway, Lines, Perry, Roberts, Snoddy, Starns:

Motion prevailed.

So the Bill passed

The title was agreed to.

Message from the Governor :

—EXECUTIVE OFFICE, K. T., }
February 2d, 1861. }

To the House of Representatives :

I herewith return House Bills No: 127 and No. 157, without my approval, for the same reasons set forth in other communications to your body of this date.

G. M. BEEBE.

On motion of Mr. Winchell,

House Bill No. 157, entitled “An Act divorcing Joseph McDonald and Eleanor McDonald,” was taken up.

The question being “Shall the Bill pass, the objections of the Governor notwithstanding,” the vote resulted as follows :

Affirmative—Messrs. Anderson, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Guthrie, Greer, Graves, Gillpatrick, Hawkins, Kean, Lakin, Lillie, Markham, McCook, Pierce, Roberts, Snoddy, Simpson, Winchell.

Negative—Messrs. Bowker, Burris, Humber, Hanway, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

On motion of Mr. McCook,

House Bill No. 127, entitled “An Act to incorporate the New York Mining and Tunneling Company,” was taken up.

The question being “Shall the Bill pass, the Governor’s objection notwithstanding?” the vote resulted as follows :

Yeas—23. Nays—4.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Graves, Humber, Lillie, Markham, Miller, McCook, Roberts, Snoddy, Simpson, Starns, Thoman, Winchell.

Negative—Messrs. Guthrie, Hanway, Reynolds, Wilson.

So the Bill passed.

The title was agreed to.

Mr. Greer offered the following resolution, which was adopted:

Resolved, By the House of Representatives, (the Council concurring,) That a committee of five be appointed on the part of the House, to meet a similar committee of the Council, to confer on the subject of a final adjournment of the Legislative Assembly.

The question being on the passage of Council Bill No. 8, entitled "An Act regulating fees of Officers, Jurors, Witnesses, and for other purposes," the Governor's objections to the contrary notwithstanding,

The yeas and nays were demanded, with the following result:

Yeas—22. Nays—10.

Affirmative—Messrs. Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Dunton, Fairchild, Guthrie, Greer, Gillpatrick, Hanway, Hawkins, Lillie, Markham, Miller, Pierce, Reynolds, Simpson, Starns, Thoman, Williams.

Negative—Messrs. Evans, Graves, Kean, Lakin, Lines, McCook, Roberts.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. SPEAKER:—I am directed to notify the House, that the Council concur in House Resolution memorializing Congress for an appropriation to pay arrears of Claim Commissioners.

Also, that they have passed Council Bill No. 26, "An Act divorcing John Van Delft and Laura Van Delft," by the consti-

tutional majority, the objections of the Governor to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Bailey,

Judge W. F. M. Army was admitted within the bar.

On motion of Mr. Markham,

Council Bill No. 44 was taken up.

On motion of Mr. Bailey,

House Bill No. 131, entitled "An Act to incorporate the Independent Order of German Brethren," was taken up,

Considered engrossed, and

Read a second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—19. Nays—1.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Coffinberry, Deitzler, Evans, Fairchild, Graves, Hanway, Hawkins, Kean, Markham, McCook, Roberts, Starns, Thoman, Winchell.

Negative—Mr. Perry.

So the Bill passed.

The title was agreed to.

On motion of Mr. Winchell,

Rules were suspended, and

Council Bill No. 59, entitled "An Act to amend an Act creating and organizing the county of Irving," was taken up.

The Bill was read first, second and third times.

The question being "Shall the Bill pass?" the vote resulted as follows:

Yeas—22. Nays—5.

Affirmative—Messrs. Anderson, Bailey, Bowker, Burnett, Burris, Coffinberry, Cowles, Deitzler, Dunton, Evans, Graves, Gillpatrick, Hanway, Kean, Lakin, Lillie, McCook, Reynolds, Roberts, Simpson, Starns, Winchell.

Negative—Messrs. Fairchild, Guthrie, Lines, Perry, Wilson.

So the Bill passed.

The title was agreed to.

On motion of Mr. McCook,

Council Bill No. 26, entitled "An Act divorcing John Van Delft and Mary A. Van Delft," was reconsidered, having been returned by the Governor, with his objections.

The question being "Shall the Bill pass, the Governor's objection to the contrary notwithstanding?" the vote resulted as follows:

Yeas—22. Nays—10.

Affirmative—Messrs. Anderson, Bailey, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Evans, Fairchild, Graves, Gillpatrick, Hawkins, Kean, Lakin, Miller, McCook, Pierce, Roberts, Snoddy, Simpson, Thoman, Winchell.

Negative—Messrs. Bowker, Buckmaster, Hanway, Lines, Markham, Perry, Reynolds, Starns, Williams, Wilson.

So the Bill passed.

The title was agreed to.

On motion,

The House took a recess for one-half hour.

The recess having expired,

The House was called to order.

Mr. Bailey moved that a Committee be appointed to confer with a similar committee of the Council, in regard to making certain appropriations.

The Speaker appointed the following gentlemen as said Committee :

Messrs. Bailey, Lines and Miller.

On motion of Mr. McCook,

A Committee was appointed to wait upon the Governor and inform him that the House had no further business, and was ready to receive any communication from him which he pleased to make.

Committee—Messrs. McCook, Deitzler, Fairchild, Bowker and McBride.

Report of Mr. Snoddy, Chairman, from Committee on Enrolled Bills :

MR. SPEAKER :—The Committee on Enrolled Bills have examined House Bills No. 222 and No. 206 ;

Also, the Concurrent Resolution Memorializing Congress to make appropriation for the payment of losses sustained by citizens of Kansas, and find them properly Enrolled.

JOHN T. SNODDY,
Chairman.

Mr. Perry moved to reconsider Council Bill No. 9, "An Act divorcing Ruducia F. Stevens and A. L. Stevens."

Message from the Governor :

EXECUTIVE OFFICE, K. T., }
February 2d, 1861. }

To the House of Representatives :

The objections, heretofore submitted, to the various Bills passed by your body, subsequent to the 30th ult., having become chronic, I return House Bill No. 206 without my approval.

Respectfully,

G. M. BEEBE.

The question being upon the reconsideration of Council Bill No. 9,

Motion to reconsider prevailed.

The question being " Shall the Bill pass ?" the vote resulted as follows :

Yeas—17. Nays—7.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Coffinberry, Cowles, Deitzler, Dunton, Lillie, Miller, McCook, Pierce, Snoddy, Simpson, Thoman, Winchell.

Negative—Messrs. Evans, Guthrie, Kean, Lines, Perry, Reynolds, Wilson.

So the Bill passed.

The title was agreed to.

Mr. Bailey offered the following, which was adopted :

Resolved, That the thanks of the House be and are hereby tendered to Alfred Gray, Chief Clerk, and George W. Still, Assistant Clerk, for the efficient and faithful discharge of the several duties in said offices.

Resolved, That the thanks of the House are hereby tendered to Arthur Gunther, Journal Clerk, and J. M. Harlan, Assistant Journal Clerk, for the efficient and faithful discharge of their several duties in said offices.

On motion of Mr. Guthrie,

The thanks of the House were tendered to F. O. Sawin, Sergeant-at-Arms, and Horace Gibbs, for the faithful discharge of their duties.

On motion of Mr. Pierce,

House Bill No. 206, an Act entitled " An Act legalizing certain acts of the Sheriffs of Leavenworth and Marshall counties," was taken up and considered, having been returned by the Governor with his objections.

The question being " Shall the Bill pass, the Governor's objections to the contrary notwithstanding ?" [the vote resulted as follows :]

Yeas—18. Nays—9.

Affirmative—Messrs. Anderson, Bailey, Bowker, Buckmaster, Burnett, Burris, Coffinberry, Cowles, Dunton, Evans, Guthrie, Gillpatrick, Hanway, Lillie, Markham, McCook, Pierce, Thoman.

Negative—Messrs. Fairchild, Kean, Lakin, Perry, Roberts, Simpson, Starns, Wilson, Winchell.

So the Bill passed.

The title was agreed to.

Mr. Pierce offered the following resolution, which was adopted :

Resolved, The Speaker of the House is hereby authorized to approve the Journal of this day's proceedings of this House.

Resolved, That the thanks of this House are due Harry C. Chase, for [the] faithful discharge of his duty as Second Assistant Clerk of [the] House.

On motion of Mr. Perry,

Committee of three was appointed to ascertain the whereabouts of House Bill No. —, "An Act to postpone the time for the payment of Taxes," &c.

Committee consisting of Messrs. Miller, Perry and Guthrie.

Report of Committee appointed to wait upon the Governor :

Committee reported that the Governor had no further communication to make to the House.

On motion of Mr. Guthrie,

A Committee of three were appointed to invite the Governor to a seat in the House.

Committee consisting of Messrs. Guthrie, Fairchild and Winchell.

Message from the Council :

MR. SPEAKER: I am directed to notify the House that the Council have concurred in House Resolution, making appropriation, with the following amendment: "Strike out all that portion

making appropriation to the Leavenworth Constitutional Convention," and ask your concurrence.

JOHN J. INGALLS,
Secretary.

Message from the Council :

MR. SPEAKER : I am directed to notify the House that the Council have passed House Bill No. 157, House Bill 127, House Bill 296 and Council Bill 94, by the constitutional majority, the Governor's objections to the contrary notwithstanding.

JOHN J. INGALLS,
Secretary.

On motion of Mr. Roberts,

A Committee of three was appointed to inform the Council that the House was ready to adjourn *sine die*, and request the Council to meet the House prior to adjournment.

Committee consisted of Messrs. Burris, Miller and McCook.

Mr. Miller, from Committee appointed to learn the whereabouts of House Bill No. —, "An Act to postpone the time for the payment of Taxes," reported that the Bill [was] not to be found.

Committee was discharged.

On motion of Mr. Winchell,

House adjourned *sine die*.

JOHN W. SCOTT,
Speaker House of Representatives.

ALFRED GRAY,
Chief Clerk.